

17 APRIL 1947

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I N D E X  
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17 APRIL 1947

I N D E X  
Of  
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
921	2438		Affidavit of UEDA, Kenkichi		20110
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(Original Japanese and Japanese  
to English interpretation was made by the  
Language Section, JAGRA.)

1 Thursday, 17 April 1947  
2 - - -  
3  
4  
5 INTERNATIONAL MILITARY TRIBUNAL  
6 FOR THE FAR EAST  
7 Court House of the Tribunal  
8 War Ministry Building  
9 Tokyo, Japan  
10 - - -  
11  
12 Appearances:  
13 For the Tribunal, same as before.  
14 For the Prosecution Section, same as before.  
15 For the Defense Section, same as before.  
16 - - -  
17 (English to Japanese and Japanese  
18 to English interpretation was made by the  
19 Language Section, IMTTFE.)  
20  
21  
22  
23  
24  
25

MINAMI

Greener &amp; Burton

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except TOGO and HIRANUMA who are represented by their  
5 counsel. We have certificates from the prison sur-  
6 geon of Sugamo to the effect that the accused TOGO  
7 and HIRANUMA are too ill to attend the trial today.  
8 The certificates will be recorded and filed.

9 I propose certain corrections of the record:

10 Page 20,003, line 9: There the witness is  
11 reported to have said, among other things, "I do.  
12 not recall this matter." He said, in effect, in  
13 fact, "I do not recall this matter very well." That  
14 appears from the examination that immediately fol-  
15 lowed.

16 At page 20,004, line 24, Mr. Comyns Carr  
17 is reported to have used the word "read." In fact,  
18 he used the word "remember."

19 And page 20,079, line 8, the word "but"  
20 should appear before the word "that."

21 I propose to make necessary corrections  
22 daily while the accused are giving evidence.

23  
24 Mr. OKAMOTO.

25

MINAMI

REDIRECT

1 J I R O M I N A M I , one of the accused, resumed  
2 the stand and testified through Japanese in-  
3 terpreters as follows:

4 MR. T. OKAMOTO: Regarding the answer made  
5 by the accused yesterday, I would like the court  
6 reporter to read it, the last answer of yesterday.

7 (Whereupon, the last answer was  
8 read by the official court reporter as  
9 follows:)

10 "A When I assumed the post of President of the  
11 Association there were clear indications of Japanese  
12 defeat; and I thought, rather than having to engage  
13 in a fight to the last man, something should be done  
14 at the proper time to bring the war to an end."

15 REDIRECT EXAMINATION

16 BY MR. T. OKAMOTO (Continued):

17 Q General MINAMI, in continuing your answer,  
18 have you anything else to add?

19 A This was something which I felt at heart,  
20 whether to choose between war or peace, that is,  
21 whether to seek peace or to continue war. I felt  
22 that this must, first of all, be decided by solidi-  
23 fication of political parties. I, therefore, devoted  
24 my efforts to strengthening the various local chapt-  
25 ers since my assumption of the post.

MINAMI

REDIRECT

1           On the 9th of August I met with the Premier  
2 and discussed with him in detail. At this time I  
3 advanced my opinion that it would be better to seek  
4 peace. The hostilities ended a week later. But, in  
5 my belief -- it is my belief that at that time there  
6 were about 320 to 330 members of the Diet who were  
7 members of the Japan Political Association holding  
8 absolute majority in the Diet. The fact that these  
9 members followed my wishes and that the hostilities  
10 could be brought to an end without resulting in any  
11 confusion was, as far as I was concerned, something  
12 that was indeed gratifying, thus accomplishing the  
13 aims of the Japan Political Association.  
14

15           MR. T. OKAMOTO: In concluding, I wish to  
16 make a slight correction. Yesterday, the Court  
17 exhibit 698 was shown to the accused by mistake.  
18 The accused, regarding this exhibit 698, considered  
19 it as a plan of operation by the Kwantung Army. The  
20 mistake which he made is, perhaps, already known by  
21 the Court. But, for sake of clearing his statement,  
22 I wish to recall this point once more.

23           THE MONITOR: And I wish to have this docu-  
24 ment shown to the witness once more and thus have him  
25 clarify the point.

THE PRESIDENT: It was shown to him on a

MINAMI

REDIRECT

1 second occasion deliberately. I do not see what  
2 there is to clarify. But, if you have a doubt about  
3 it, let him see it again.

4 MR. T. OKAMOTO: Unless we correct the  
5 record, perhaps misunderstanding would be created  
6 in the future.

7 THE PRESIDENT: It was shown to him in mis-  
8 take on the first occasion. But, on the second  
9 occasion, it was shown to him deliberately.

10 Let him see it.

11 (Whereupon, a document was handed  
12 to the witness.)

13 BY MR. T. OKAMOTO (Continued):

14 Q General MINAMI, there are two copies, I  
15 presume, one original and one in Japanese -- one  
16 copy --

17 THE MONITOR: I believe that the copy would  
18 be easier to read; so, will you please look at the  
19 copy, Mr. General MINAMI?

20 A I should like to state definitely that this  
21 is not operational plan of the Kwantung Army.

22 Q Do you know what it is?

23 A There is no possibility that the Kwantung  
24 Army would make such an operational plan.

25 Q Is that, roughly, a plan of operation?

MINAMI

REDIRECT

1        A I believe that this is a study on paper by  
2 the military attache attached to the embassy or by  
3 an officer attached to the Kwantung Army Headquart-  
4 ers.

5        MR. T. OKAMOTO: With this I conclude my  
6 redirect examination.

7        MR. LOGAN: If the Tribunal please, may the  
8 witness be shown prosecution exhibit 2251?

9        THE PRESIDENT: Mr. Tavenner.

10        MR. TAVERNER: If your Honor please, counsel  
11 advises me that he proposes to examine the witness  
12 on redirect examination. I think this calls for a  
13 construction of the rules that have been agreed upon  
14 and have been announced by the Tribunal.

15        THE PRESIDENT: We will hear your submissions  
16 first, Mr. Tavenner.

17        MR. TAVERNER: I do not think that the rule  
18 contemplates redirect examination by counsel who did  
19 not conduct an original or direct examination. Rule  
20 four takes care of the situation where the prosecu-  
21 tion has brought out new evidence and counsel for  
22 persons other than the accused desire to cross-  
23 examine.

24        THE PRESIDENT: I think that Mr. Logan must  
25 be basing his claim to examine on the last sentence

MINAMI

1 or the second sentence of clause five.

2 MR. LOGAN: Yes.

3 THE PRESIDENT: It reads: "Other counsel  
4 for individual accused may examine a witness on re-  
5 direct examination only on matters specifically  
6 relating to his client and not covered by the  
7 general redirect examination." The accused KIDO  
8 was mentioned during the cross-examination, and  
9 he is Mr. Logan's client. That is all I can say.

10 MR. TAVENNER: I was coming to that point,  
11 your Honor. I think that the rules have to be con-  
12 strued in the light of the entire document.

13 THE PRESIDENT: I am not saying Mr. Logan  
14 can be heard. I am putting to you points which I  
15 think he will raise.

16 MR. TAVENNER: Counsel had the opportunity  
17 for supplemental direct examination under paragraph  
18 one of the rules.

19 THE PRESIDENT: But this came out in cross-  
20 examination.

21 MR. TAVENNER: Yes, sir.

22 THE PRESIDENT: That throws you on to  
23 clause four.

24 MR. TAVENNER: So, in this particular in-  
25 stance, the new evidence having come out on cross-

MINAMI

1 examination, defense counsel should have availed  
2 themselves of the right of cross-examination.

3 THE PRESIDENT: It depends on whether Mr.  
4 Logan's purpose is to clarify or contradict. Per-  
5 haps we should hear him now and let you reply.

6 MR. LOGAN: There was no occasion to con-  
7 duct either a direct or cross-examination of  
8 General MINAMI because nothing had been said on his  
9 direct testimony concerning Marquis KIDO. The  
10 matter on which I wish to examine him was brought  
11 out for the first time on cross-examination by the  
12 prosecutor. I did not desire to cross-examine him  
13 under paragraph four because I did not want to treat  
14 him as a hostile witness. I wish to examine him  
15 under the last sentence of paragraph five, and my  
16 sole object is to remove obscurities.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: The matter to which counsel  
19 states he desires to direct the witness' attention  
20 is a document that was in evidence by the prosecu-  
21 tion at the time that this witness took the stand.  
22 He had the full right of examining him on that docu-  
23 ment at the time in his examination in chief. What  
24 I am anxious about is that the procedure be settled  
25 and be certain. If the Tribunal desires that the

MINAMI

REDIRECT

1           counsel be permitted redirect examination in this  
2           case, the language in the first sentence is broad  
3           enough to cover it, that is, if the Tribunal grants  
4           the permission, according to that language.

5           THE PRESIDENT: No permission is required  
6           under this second and last sentence of clause five.

7           We could not place on counsel for any accused  
8           the responsibility of cross-examining on every  
9           document that you may have used -- of examining  
10          directly on every document that you might thereafter  
11          use in cross-examination. The responsibility would  
12          be too great. Was he obliged to know that you would  
13          cross-examine on KIDO's Diary?

14          MR. TAVENNER: Of course, he was not. And  
15          the point I make is that if the Tribunal desires to  
16          grant permission to conduct redirect examination, it  
17          can be done under the first sentence of paragraph 5,  
18          and not be placed on the ground that he has that right  
19          as a matter of right.

20          THE PRESIDENT: I repeat, he is standing on  
21          the second and last sentence of clause 5, which does  
22          not require any permission from us.,

23           REDIRECT EXAMINATION (Continued)  
24           BY MR. LOGAN:

25           Q    General, will you examine prosecution's

Whalen & Duda

1 exhibit 253, which is in every true copy of the  
2 diary of January 20, 1944. The Government failed to  
3 prove the first part of that entry but did not prove the  
4 last paragraph and one more at the end of the diary.  
5 Do you remember that?

6 A. Yes, I do remember.

7 Q. Tell the Court whether the last sentence in the  
8 diary was read by you.

9 THE PRESIDENT: Mr. GALT,

10 MR. COOPER: Your Honor, in my submission  
11 this does not fall in any of the categories mentioned at  
12 all. I did not hear that last sentence because it was  
13 definitely a cross-examination question. It was being said by  
14 the witness, not something said by the questioner as his  
15 account of the witness' evidence and in my  
16 submission, the witness cannot be asked -- that witness  
17 not being here, that, for that reason the witness cannot  
18 be asked not to comment on something which was not part  
19 of the cross-examination and does not pertain to the  
20 parts of the witness' statement.

21 THE PRESIDENT: If he repeats the same  
22 thing on re-cross-examination, it can be brought back but  
23 not otherwise.

24 MR. COOPER: When I got the entry, it had  
25 been typed, I will say. I have it now in

MINAMI

REDIRECT

1 exhibit 2251, which is an entry from Marquis KIDO's  
2 Diary of January 28, 1932. The prosecutor read to  
3 you the first part of that entry but did not read the  
4 last paragraph and the chart at the end of that diary.  
5 Do you remember that?

6 A Yes, I do remember.

7 Q Will you follow the last sentence in the  
8 chart as I read it.

9 THE PRESIDENT: Mr. Carr.

10 MR. COMYNS CARR: Your Honor, in my submission  
11 this does not arise out of the cross-examination at  
12 all. I did not read that last sentence because it  
13 manifestly does not purport to be anything said by  
14 the witness but something said by Marquis KIDO as his  
15 own comment on the witness' lecture. And in my  
16 submission the witness cannot be asked -- that passage  
17 not having been read, for that reason the witness cannot  
18 be asked now to comment on something which was not part  
19 of the cross-examination and does not purport to be  
20 part of the witness' statement.

22 THE PRESIDENT: If it explains the part  
23 read on cross-examination, it can be brought out; but  
24 not otherwise.

25 MR. LOGAN: When I got up here, if the  
Tribunal please, I said that I wished to remove an

MINAMI

REDIRECT

1 obscurity. The obscurity here is the prosecution's  
2 contention, and I think that the Tribunal should be  
3 informed by the man who said this as well as by the  
4 accused who wrote it as to what that actually means,  
5 not what the prosecution or somebody else contends is  
6 in that document.

7 MR. COMYNS CARR: There are two observations  
8 to be made.

9 THE PRESIDENT: Well, we cannot decide unless  
10 we hear what is the part unread.

11 BY MR. LOGAN (Continued):

12 Q Now, General, I will read this to you. Will  
13 you follow the last sentence.

14 THE PRESIDENT: But don't answer.

15 Q (Reading) "When a new state is established  
16 in Manchuria and Mongolia, I think it is advisable to  
17 unify the present three or four Japanese organs in  
18 Manchuria and Mongolia under one Japanese organ to be  
19 placed under a Governor-General as follows: The  
20 Governor-General. The Government-General."

21 And underneath that:

22 "Military; Civil Administration; Railways."

23 And underneath that:

24 "Garrison Division; Railway Guards."

25 And underneath that: "(National Defense Corps.)"

MINAMI

REDIRECT

1           THE PRESIDENT: Now, up to that point KIDO  
2 simply records what MINAMI said before the Emperor.  
3 There is nothing prejudicial to KIDO.

4           MR. LOGAN: The prejudicial part, your Honor,  
5 is that, exactly as I thought, the prosecution would try  
6 to interpret that as being KIDO's idea, his statement.  
7 It is not, and that is what I intend to show through  
8 this witness.

9           THE PRESIDENT: We are clear on that. That  
10 does not implicate KIDO in any way. He was present and  
11 heard what MINAMI said and he recorded it.

12          If that is evidence that KIDO was in a conspiracy,  
13 then you may go on and read the balance. He is charged  
14 with conspiracy. We don't overlook it. I may have gone  
15 too far in suggesting that this isn't evidence against  
16 KIDO because he is charged with conspiracy and this  
17 may be the act of one conspirator recording the views  
18 of another, and in those circumstances you may be  
19 entitled to get in the paragraph which was omitted by  
20 the prosecution.

21          MR. COMYNS CARR: Your Honor, may I submit  
22 that this is entirely a matter of the construction of  
23 a document which is for the Tribunal and not for any  
24 witness, and particularly not for a witness who has  
25 endeavored to deny delivering this lecture at all.

MINAMI

REDIRECT

1           MR. LOGAN: I must disagree with that state-  
2 ment, your Honor. The record clearly shows that he  
3 readily admitted making this speech.

4           MR. COMYNS CARR: Our submission as to the  
5 construction of the document has been and will be that  
6 down to the end of the numbered paragraph III, it is  
7 all in the third person, representing what General  
8 MINAMI is reported to have said. And then, when we  
9 come to the paragraph my friend has just read, the  
10 word "I" appears for the first time, and in our sub-  
11 mission "I" means KIDO. But that is purely a matter  
12 of construction of the document, on which this witness  
13 cannot be asked to throw any light at all, in my  
14 submission.

15          MR. LOGAN: That is the exact obscurity I  
16 wish to remove, your Honor; that I understand from  
17 Mr. MINAMI and Marquis KIDO that is not KIDO's idea,  
18 that is a recording of what MINAMI said there. And  
19 that is the exact point I want to bring out.  
20

21          Now, what could be better testimony than  
22 the man who said it and the man who wrote it as  
23 opposed to prosecution's contention? This translation  
24 certainly leaves it obscure and it should be corrected.  
25 The same with many, many, many other items of KIDO's  
Diary which have been introduced in evidence and which

20,098

MINAMI

REDIRECT

1        were not translated properly and we had to send them  
2        out to be fixed. I should think that the prosecution  
3        would be the last to try to hang a man on the techni-  
4        cality of a translation of this difficult language.  
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MINAMI

REDIRECT

1           THE PRESIDENT: If that were your real point,  
2 Mr. Logan, you would have mentioned it as soon as you  
3 came to the lectern.

4           MR. COMYNS CARR: Your Honor, this document,  
5 in common with many other of the extracts from KIDO's  
6 Diary, has been before the Language Board at the re-  
7 quest of the defense long ago, and the translation as  
8 now appearing before the Tribunal is their corrected  
9 translation on which they have made a number of cor-  
10 rections.

11          THE PRESIDENT: I will shorten this matter by  
12 proceeding to ascertain my colleagues views.

13          THE WITNESS: Your Excellency, the President--

14          THE PRESIDENT: By a majority the Court dis-  
15 allows the re-examination by Mr. Logan on behalf of KIDO.

16          MR. LOGAN: May I have an exception to that, if  
17 the Tribunal please?

18          And I also wish to correct a statement made  
19 by the prosecution; that this translation is not our  
20 translation. It is a translation that we asked that  
21 those words "I think" be stricken out when we submitted  
22 it to the Language Section.

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24          MR. LOGAN: And I would also like to make an  
25 offer of proof that I intended to prove through this

MINAMI

REDIRECT

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25 offer of proof that I intended to prove through this

MINAMI

REDIRECT

1 witness that the statement in the entry of the Diary  
2 of January 28, 1932 which I read to him was a recording  
3 of a statement that he, MINAMI, made in a lecture before  
4 the Emperor.

5 In further view of the fact that this document  
6 was one which was rushed through on the last day of  
7 the prosecution's case, I ask that it again be submitted  
8 to the Language Section with respect to that last para-  
9 graph.

10 MR. COMYNS CARR: Your Honor, my friend has  
11 made two incorrect statements. In the first place, I  
12 did not say that this was the defense translation, I  
13 said it had been put before the Language Arbitration  
14 Board at their request, and this was the Language Arbi-  
15 tration Board's translation.

16 In the second place, this was not rushed through.  
17 It was tendered in the ordinary way towards the end of  
18 the case for the prosecution, but I think I am right  
19 in saying not on the last day, and it wouldn't matter  
20 if it had been.

21 But if the defense desires, it shall go before  
22 the Language Arbitration Board again. The prosecution  
23 hasn't the slightest objection.

24 THE PRESIDENT: We refer it to the Language  
25 Section.

MINAMI

REDIRECT

1                   Mr. McManus.

2                   REDIRECT EXAMINATION (Continued)

3 BY MR. McMANUS:

4       Q General, as the outgoing Minister of War in  
5       1931, were you one of the three superior officers who  
6       recommended your successor?

7       A Yes, I was.

8       MR. McMANUS: I have been requested to announce  
9       on whose behalf I am conducting this re-examination.

10      THE PRESIDENT: ARAKI.

11      MR. McMANUS: It is for the accused ARAKI.

12      MR. JOMYNS CARR: In that case, your Honor,  
13      I must submit that nothing occurred in the cross-  
14      examination to justify any re-examination on behalf of  
15      ARAKI. The only mention that I can recollect of ARAKI's  
16      name was that the witness said he agreed with a certain  
17      statement of ARAKI's as to the powers of ordering  
18      troops to be sent overseas.

19      THE PRESIDENT: What was left in doubt as  
20      regards ARAKI by the cross-examination?

21      MR. McMANUS: If your Honor pleases, it was  
22      brought out on cross-examination that there was a  
23      mobilization plan for an expedition force to proceed  
24      to Chinchow. General MINAMI stated that he was responsible  
25      for the cancellation of this mobilization.

1 However, he did state that at a later date Chinchow  
2 was occupied. He was asked by the prosecutor whether  
3 or not he, MINAMI, told ARAKI of MINAMI's views con-  
4 cerning the pacific intentions of MINAMI. Whereupon,  
5 on further question MINAMI replied that he had told  
6 ARAKI, and that ARAKI merely listened.

7 I should like to clear this matter up on  
8 redirect examination.

9 THE PRESIDENT: Whether ARAKI's silence gave  
10 consent is something we can't take into consideration  
11 at all.

12 MR. COMYNS CARR: Your Honor, I am sorry, I  
13 had forgotten that question, and I had risen to correct  
14 it before -- correct my former statement before my  
15 friend mentioned it.

16 But in my submission either the counsel for  
17 ARAKI proposes to challenge the witness' statement,  
18 in which case it should have been by cross-examination,  
19 or else there is nothing to examine about because the  
20 statement was perfectly clear.

21 THE PRESIDENT: Well, put your question and  
22 we will decide whether we can allow it or not.

23 The witness is not to answer this question  
24 until he is directed to do so.

25 Q You stated, General, that during your tenure

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MINAMI

REDIRECT

1 of office there was a mobilization plan for an expe-  
2 dition to Chinchow. You further stated that you were  
3 responsible for the cancellation of this plan. Now,  
4 will you please tell this Tribunal whether or not  
5 general conditions changed at Chinchow immediately  
6 after your cancellation of the mobilization plan.

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1                   THE PRESIDENT: Mr. Carr.  
2                   MR. COMYNS CARR: In my submission that is  
3 an attempt to introduce quite a different matter  
4 from what the witness spoke of. The witness' story  
5 was, as my friend has just related, that he informed  
6 ARAKI of his view that there should be no advance to  
7 Chinchow and ARAKI merely listened.

8                   THE PRESIDENT: Suppose we construe ARAKI's  
9 silence as a rejection of the witness' views. Then  
10 cannot counsel for ARAKI ask the witness whether con-  
11 ditions had changed to warrant ARAKI's rejection of  
12 the witness' views. Do you contend that is not re-  
13 examination but the introduction of fresh matter?

14                  MR. COMYNS CARR: That would be a perfectly  
15 proper question for ARAKI, put to ARAKI, but as put  
16 to this witness the only possible purpose of it would  
17 be to show that this witness' view at the time when he  
18 expressed it to ARAKI was a wrong view and that is  
19 cross-examination.

20                  THE PRESIDENT: Mr. McManus, what have you  
21 to say?

22                  MR. McMANUS: If your Honor pleases, just  
23 before the redirect examination by Mr. OKAMOTO I was  
24 somewhat in doubt myself as to whether or not this  
25 would be proper redirect examination or cross-

MINAMI

REDIRECT

1 examination. However, after your Honor read from  
2 the record the rules and not wanting to treat this  
3 witness as a hostile witness, I think and I thought  
4 that the proper place to bring these matters out and  
5 to clarify the issues would be on redirect rather  
6 than cross-examination. I merely want to find out,  
7 if your Honor pleases, whether or not MINAMI told  
8 General ARAKI of the changes of conditions at Chin-  
9 chow as a result of his canceling the mobilization  
10 plan.

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MINAMI

REDIRECT

1                   THE PRESIDENT: Beyond question you can  
2 get in the whole of the conversation between the  
3 witness and ARAKI if the part omitted tends to  
4 explain ARAKI's attitude. The matter is important  
5 for ARAKI. On that we might find him guilty of  
6 aggressive war. But you have not made it clear  
7 that all you are trying to get is the full con-  
8 versation. That makes a difference.

9                   MR. McMANUS: May I ask the witness another  
10 question, if the Court pleases?

11                  THE PRESIDENT: Yes. You can get the full  
12 conversation from him. That is just about as much  
13 as I am sure of. If you want to go further I will  
14 have to consult my colleagues.

15                  Q General, at this particular conversation  
16 you stated that ARAKI just listened. Was there  
17 anything at all said by him at that time?

18                  THE WITNESS: May I reply, Mr. President?

19                  THE MONITOR: "Mr. President, may I reply?"  
20 This is the witness speaking.

21                  THE PRESIDENT: You are inviting him to  
22 contradict himself. He said nothing was said; he  
23 just listened. But you can get the full conversa-  
24 tion. You can ask him whether he told us all he  
25 told ARAKI.

MINAMI

REDIRECT

1                   MR. McMANUS: I withdraw the last question,  
2 if the Tribunal please, and I shall ask him this  
3 question:

4                   Q General, have you told us the entire  
5 conversation or all that you told General ARAKI  
6 on this occasion?

7                   A What I told ARAKI was very brief, and I  
8 have already stated what I told him.

9                   MR. McMANUS: No further questions.

10                  MR. BROOKS: As far as I know that  
11 concludes the redirect examination.

12                  THE PRESIDENT: The witness will return  
13 to the dock.

14                  (Whereupon, the witness was  
15 excused and returned to the dock.)

16                  MR. BROOKS: Mr. President, that concludes  
17 our section, and Mr. Blakeney, I think, will con-  
18 tinue with the next section.

19                  THE PRESIDENT: We will adjourn for fif-  
20 teen minutes.

21                  (Whereupon, at 1045, a recess  
22 was taken until 1100, after which the  
23 proceedings were resumed as follows:)

24

Goldberg &amp; Kapleau

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: The evidence to be offered  
5 in this section will relate to various internal  
6 conditions of Manchukuo and in particular relates  
7 to Counts 1-17, 19, 27 and 28 of the Indictment.

8 First, as a witness to testify to the  
9 overall development of Manchukuo politically,  
10 economically and otherwise, and to the relations  
11 between Manchukuo and Japan, we call General UEDA,  
12 Kenkichi whose evidence is embodied in defense  
13 document No. 921.

14 General UEDA will be examined on his  
15 affidavit by Mr. YAMADA to whom I now turn over  
16 the further presentation.

17 THE PRESIDENT: Major Blakeney, will you  
18 come to the lectern, please? I thin' that we would  
19 prefer you to hand the affidavit to the witness,  
20 get him to identify it, then tender it, and then  
21 read it. I think most of us prefer the affidavit,  
22 being in English, to be read by American counsel.

23 MR. BLAKENEY: I shall be glad to comply  
24 with the Tribunal's suggestion on the understanding,  
25 of course, that the Japanese counsel familiar with

UEDA

DIRECT

1 the matter conduct the redirect examination.

2 THE PRESIDENT: We have already permitted  
3 that to be done.

4 - - -  
5 K E N K I C H I U E D A, called as a witness  
6 on behalf of the defense, being first duly  
7 sworn, testified through Japanese interpreters  
8 as follows:

9 DIRECT EXAMINATION  
10 BY MR. BLAKENEY:

11 Q Mr. Witness, you are General UEDA, Kenkichi  
12 residing in Oiso, Kanagawa-kan.

13 A Yes.

14 MR. BLAKENEY: Will you please hand the  
15 witness defense document No. 921?

16 (Whereupon, a document was handed  
17 to the witness.)

18 Q I ask the witness to examine defense document  
19 No. 921 and state whether it is the affidavit  
20 subscribed and sworn to by him?

21 A There is no mistake. It is my sworn  
22 deposition.

23 Q And I ask you whether the contents thereof  
24 are true?

25 A Yes, it is.

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1                   MR. BLAKENEY: The defense document No. 921  
2 is now offered in evidence.

3                   THE PRESIDENT: Admitted on the usual terms.

4                   CLERK OF THE COURT: Defense document No. 921  
5 will receive exhibit No. 2438.

6                   (Whereupon, the document above  
7 referred to was marked defense exhibit No.  
8 2438 and received in evidence.)

9                   MR. BLAKENEY: I now read the affidavit  
10 omitting formal parts.

11                  "I, UEDA, Kenkichi, am a former army general  
12 and reside at OISO, CISOMACHI, KANAGAWA Prefecture.  
13 Since I served as the Commander-in-Chief of the  
14 Kwantung Army and held the post of Envoy Extra-  
15 ordinary and Ambassador Plenipotentiary in Manchukuo  
16 from March 1936 to September 1939, I shall relate  
17 an outline of the assistance given by Japan towards  
18 the development of Manchukuo during that period.

19                  "1) Fundamental principle of Japan's  
20 assistance towards the development of Manchukuo.  
21 The fundamental principle of Japan's attitude towards  
22 assistance in the development of Manchukuo during  
23 my tenure of office as the Commander-in-Chief of  
24 the Kwantung Army was as follows:

25                  "- wholesome development of Manchukuo can

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1       be attained by bringing about a harmonious unity  
2       among the various races in Manchuria, thus, domestic-  
3       ally, securing a peaceful life and wealthy live-  
4       lihood of the people as well as promoting culture  
5       and industries, and towards foreign nations, main-  
6       taining the principles of 'peaceful frontiers' and  
7       'co-existence and co-prosperity'. A so-called  
8       'Kingdom of Utopia' which is truly a peaceful  
9       nation can thus be established. It was only  
10      natural for Japan, who is closely related to  
11      Manchukuo racially and geographically in various  
12      fields such as culture, industry, etc., and whose  
13      interests and ideals are similar, to contribute  
14      to the development of Manchukuo. On the other hand,  
15      Japan carried out such aids and contributions so as  
16      to respect and safeguard the basic principles of the  
17      foundation of Manchukuo.

18             "2) Position of the Commander-in-Chief  
19       of the Kwantung Army.

20             "The Commander-in-Chief of the Kwantung  
21       Army was appointed personally by the Emperor of  
22       Japan. He commanded his subordinates and took  
23       charge of the defense of Manchukuo, coming under  
24       the jurisdiction of the Chief of General Staff, for  
25       operational and strategic matters, and of the War

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1 Minister for military administration matters. He  
2 concurrently fulfilled the duties of an Envoy  
3 Extraordinary and Ambassador Plenipotentiary,  
4 and in that capacity was under the direction and  
5 supervision of the Foreign Minister for diplomatic  
6 matters. He was by an Imperial order under the  
7 direction and supervision of the Prime Minister  
8 for the administration of matters falling under  
9 the charge of the Kwantung Bureau.

10 "In order that Manchukuo might achieve  
11 a wholesome development in the early stage of  
12 its foundation, it was most essential to promote  
13 peace and order within that country, consolidate  
14 its basic structure and firmly establish its national  
15 defense in accordance with the international situation.  
16 Therefore, the Commander-in-Chief of the Kwantung  
17 Army, who concurrently held the post of Envoy Extra-  
18 ordinary and Ambassador Plenipotentiary, was made  
19 for the time being to cooperate with Manchukuo for  
20 its development. The guiding principles of his  
21 cooperation and assistance towards Manchukuo remained  
22 to the last that he should respect its independence  
23 and responsibilities and that the primary duties of  
24 the Kwantung Army should be its national defense and  
25 establishment of peace and order within the country,

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1 strictly in line with the spirit of the Japan-  
2 Manchukuo Joint Defense Agreement. Efforts were  
3 to bring about harmonious coordination in this  
4 respect.

5 "Furthermore, assistance extended to the  
6 Manchukuo Government was in the forms of advices,  
7 encouragements, suggestions, expressions of hopes  
8 and so forth, and was never given by orders or  
9 directions from the Kwantung Army. Moreover, in  
10 response to the progress of Manchukuo's growth  
11 and development, the assistance thus extended was  
12 gradually reduced to cover only the matters per-  
13 taining to its fundamental policies, and by the  
14 time I left my post there in August, 1939, Japan's  
15 extraterritoriality had already been relinquished  
16 and Manchukuo was principally governed at its  
17 government's own initiative.

18 "3) Organs for assisting the development  
19 of Manchukuo.

20 "At the time of Manchukuo's foundation a  
21 Special Service Department was created, aside from  
22 the Staff Department, with a view to assist the  
23 Commander-in-Chief of the Kwantung Army in his task  
24 of aiding in its development. In January, 1935,  
25 however, the Special Service Department was abolished,

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1 and, in its place was created the Advisory Department  
2 composed of six civilian officials, which was also  
3 abolished after my arrival in December, 1937, in  
4 consideration of the state of Manchukuo's advance  
5 following the relinquishment of extraterritoriality.  
6 At the same time, the 4th Section of the Staff  
7 Department was reorganized and its personnel was  
8 reduced to a mere number of 9 comprising 3 staff  
9 officers including the chief and 6 other members,  
10 whose primary duties were to handle liaison busi-  
11 ness between the Japanese central authorities and  
12 Manchukuo authorities.

13        "The Japan-Manchukuo Joint Economic  
14 Commission' was established in June, 1935, by an  
15 agreement between the two countries in order to  
16 study and discuss important economic problems of  
17 Japan and Manchukuo. 'The Commission for the  
18 Development and Exploitation of Manchukuo' was also  
19 created during my tenure of office, in August 1936,  
20 with a view to joining the efforts of all Japanese  
21 and Manchukuoan experts, both official and civilians,  
22 in deliberating policies for the development and  
23 exploitation of Manchukuo.

25        "4) Recommendation of Japanese Nationals  
as Officials in the service of the Manchukuo

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1 Government.

2 "Upon the request of Mr. Pu-Yi and in  
3 accordance with the appendix to the Japan-Manchukuo  
4 Protocol, the Commander-in-Chief of the Kwantung  
5 Army, for the time being, was given the task of  
6 recommending Japanese nationals as officials of  
7 the Manchukuo Government and was to be consulted  
8 in the cases of their dismissal. However, during  
9 my tenure of office as Commander-in-Chief of the  
10 Kwantung Army, recommendations were given only  
11 when officials of the KANNIN Rank (equivalent to  
12 the Japanese CHOKUNIN Rank) were appointed and  
13 particularly to those who were to occupy important  
14 positions. In practice the choice of these officials  
15 was made after having considered primarily the wishes  
16 of the Manchukuoan circles and my duties were merely  
17 to convey those wishes to the circles concerned in  
18 Japan. There had never occurred a case where the  
19 Kwantung Army forcibly recommended particular persons  
20 nor had them discharged upon its request. Furthermore,  
21 this function of the Commander-in-Chief of the  
22 Kwantung Army was strictly limited to giving recom-  
23 mendations and, therefore, the appointments and  
24 dismissals of government officials were carried out  
25 solely on the responsibility of the Manchukuo

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Government and in accordance with its laws and

1           decrees as well as its right to appoint or  
2           discharge its own officials.

3           "5) Relinquishment of extraterritoriality.

4           The policy of the OKADA Cabinet with res-  
5           pect to the gradual abolition of extraterritorial-  
6           ity in Manchukuo was decided upon in August 1935  
7           and its partial relinquishment was carried out in  
8           June 1936, subsequent to my assumption of the  
9           Command of the Kwantung Army. It should be admit-  
10          ted that some concern was felt regarding the aboli-  
11          tion of extraterritoriality because of the state  
12          of law and order and of internal administration  
13          which prevailed in Manchukuo in 1935. However,  
14          it was observed that, once our national policy for  
15          the relinquishment of extraterritoriality had been  
16          decided upon, the Manchukuo Government and people,  
17          to say nothing of its Emperor, Prime Minister  
18          Chang and other state minister, were all feeling  
19          extremely grateful for Japan's goodwill and were  
20          full of hope and fervour, looking ahead to the  
21          prosperous future of their country. Meanwhile, a  
22          certain Japanese circle was rather dissatisfied  
23          with this step, inasmuch as it would deprive the  
24          Japanese residents in that country of the privileges  
25

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which they had been enjoying under extraterritoriality and, particularly, of their right of tax exemption.

"I exhorted them, however, stating my belief that, equality and harmony among the various races of Manchukuo was necessary for its wholesome development and the Japanese residing in Manchukuo should discard all the privileges that they had hitherto been enjoying in order to give full play to their real abilities by working hand in hand with the various other races, and that the ideals entertained at the time of the foundation of Manchukuo can only thus be attained. Later, it was considered that an immediate settlement of the question of extraterritoriality would be more profitable to the development of Manchukuo than its gradual relinquishment, in the light of the conditions which then prevailed in Manchukuo and, particularly, of the progress of the restoration of law and order and its government's administrative and judicial capabilities. A total relinquishment of extraterritoriality was therefore decided upon, and a treaty in this regard was concluded on November 30, 1937.

"6) Relationship between the Emperor of

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1 Manchukuo and the Commander-in-chief of the Kwan-  
2 tung Army.

3 "Since my assumption of the command of the  
4 Kwantung Army, I saw the Emperor now and then and  
5 reported to him on various matters, in order to  
6 consolidate further the confidence which His Majes-  
7 ty had placed in the successive Commanders-in-chief  
8 of the Kwantung Army. During my tenure of office,  
9 Manchukuo was confronted with various external  
10 and internal events and was gradually being accord-  
11 ed recognition by the powers. His Majesty put  
12 his trust in Prime Minister Chang at all times and,  
13 upon his advice, personally attended to the affairs  
14 of the state. His Majesty personally held also  
15 the supreme command of the Manchukuo Army upon the  
16 counsel of the Minister of War. I used to be deeply  
17 moved, especially, to see that he held firm con-  
18 fidence and friendship towards His Majesty the  
19 Emperor of Japan. Prime Minister Chang also served  
20 the Emperor most diligently and understood well the  
21 true intention on the part of Japan.

22 "I have known Emperor Pu-yi since my days  
23 as Commander of Japanese Garrison in Tientsin, and  
24 had occasions to contribute to safeguarding his  
25 person. I knew that YOSHIOKA, Masanao"-- I think

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1 it should be YASANAO -- "who served for a long time  
2 in the Imperial Household Ministry as a liaison  
3 officer since April, 1934, and has been on intimate  
4 terms with the Emperor. He stayed in that capacity  
5 in compliance with the strong wish of the Emperor  
6 and enjoyed his confidence during the period in  
7 which he advanced from the rank of major to that  
8 of Lt-general.

9 "7) Relationship between the Concordia  
10 society of Manchukuo and the Commander-in-chief of  
11 the Kwantung Army.

12 "The outstanding characteristic of Man-  
13 chukuo is the realization of racial harmony. To  
14 attain this it was necessary to unite the leaders  
15 of various races who had firm beliefs in racial  
16 harmony and to initiate their popular movements.  
17 The people had to be organized, particularly in view  
18 of the looming menace of communism as well as feuda-  
19 listic ideas of militarists at that time.

20 "Observing the conditions in Manchukuo  
21 after my arrival at the post, I was convinced of  
22 the necessity of racial harmony in the political  
23 field, for cooperative administration; harmonies  
24 between capital and labor and between financial

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1 interests of various races in the economic field;  
2 and racial cooperation in the field of labor. The  
3 Concordia Society had never aimed at discrimination  
4 since its foundation. It was a unique existence  
5 in Manchukuo solely devoted to invite a harmony  
6 of races. It was managed on the principle of  
7 synchronizing with the Manchukuo Government. It  
8 was a custom for the Emperor to attend and issue  
9 an Imperial Rescript at the national convention  
10 which was held in autumn each year.  
11

12 "8) Colonization policy. Manchukuo es-  
13 tablished a fundamental national principle, as it  
14 is evident in the proclamation of the establishment  
15 of the state, that the Japanese, Koreans and other  
16 people who desire to stay in the country for a long  
17 time be equally treated as its nationals along with  
18 its natives such as Manchurians, Chinese, and Mon-  
19 golians. In conformity with this fundamental  
20 national principle, it was desired that a large  
21 number of Japanese, Koreans or Chinese with excel-  
22 lent qualities participate in the construction of  
23 Manchukuo in addition to the original Manchurians,  
24 Chinese and Mongolians in order to realize the  
25 prosperity of the state and to develop the country.  
Therefore it was certainly desirable that Japanese

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1 with real understanding of this spirit, especially  
2 good farmers and sincere young men migrate to Man-  
3 chukuo. However, their migration involved various  
4 complicated problems, such as problems of acquisi-  
5 tion of land, settlement among the natives, Manchu-  
6 kuo's own problem of exploiting its resources, and  
7 so forth. Due consideration was given in this respect.

8 "In addition, it was necessary to choose"  
9 large "areas where least frictions with the natives  
10 would arise. Thus it was inevitable to seek coloniz-  
11 ing areas in the remote regions in North Manchuria  
12 and other outlying parts of the country with the  
13 natural result that a considerable protection had  
14 to be given to the colonizers.

15 "As for the utilization of land, the inter-  
16 ests of Manchurians were deeply involved, and  
17 therefore the Manchukuo Government, after a careful  
18 consideration, established a suitable plan for the  
19 utilization of unutilized lands and did its best in  
20 executing this policy smoothly.

21 "9) The Five Year plan for industrial  
22 development of Manchuria.

23 "In November 1936 the Manchukuo Government  
24 established for the time being a Five Year Plan for  
25

20, ~~1942~~

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1 industrial development of Manchukuo. It was a plan  
2 with an expenditure of merely a little over  
3 2,400,000,000 yen, covering five years. The change  
4 of international situation caused by the sudden  
5 outbreak of the China Incident in July, 1937, rendered  
6 the execution of this plan extremely difficult.  
7 The fundamental idea of the plan was to establish  
8 basis of development and industry"-- of industry,  
9 I presume -- of Manchukuo so as to enhance the  
10 livelihood of people and give security which were  
11 necessary in view of the events leading to the  
12 establishment of Manchukuo. Judging from the economic  
13 conditions then prevailing both in Japan and Man-  
14 churia, it was contemplated for carrying out this  
15 idea to establish the Manchurian Heavy Industry  
16 Company, a Manchurian corporation, which would  
17 cover over all and multi-branched business, inviting  
18 the participation of foreign capital, especially  
19 American capital and technique.

20 "Tying in with the establishment of the  
21 Manchuria Heavy Industry Company, the South Manchuria  
22 Railway Company was reorganized to handle mainly  
23 transportation, inaugurating such new plans as the  
24 rationalization of the management of all railways  
25 in Manchuria. The living condition was especially

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1 stabilized through the system of gradual decrease  
2 per distance of freight rates, and new railways  
3 were constructed for the purpose of colonizing  
4 unexploited lands and strengthening of national  
5 defense, and so forth. It is to be especially  
6 noticed that when the capital of the company was  
7 increased in 1939 (the 14th year of Showa), reor-  
8 ganization of the company was carried out to meet  
9 the new situation by allowing the Manchukuo Govern-  
10 ment to own a part of the Company shares and to  
11 appoint directors representing the Manchukuo Govern-  
12 ment.

13 "10) Crisis created by the outbreak of  
14 the China Incident and out attitude.

15 "When the North China Incident broke out  
16 in July, 1937, it was the wish of the Kwantung Army  
17 that the Incident be settled as soon as possible  
18 in view of the progress being made by Manchukuo  
19 and also because of the relationship between Japan  
20 and Manchukuo.

21 "In view of the racial constituent of Man-  
22 chukuo, the Kwantung Army did not wish to declare  
23 war against China and opposed to words and actions  
24 which irritated the sentiment of the Chinese people  
25 such as 'Punishment of outrageous China,' etc.

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1            "As the Incident progressed, it called  
2        for more measures for national defense in response  
3        to the prevailing situations. I believed it neces-  
4        sary for the settlement of the China Incident to  
5        realize the ideal of race harmony with the hope  
6        for further development and prosperity of the new  
7        state. Therefore, I did my best in urging self-  
8        restraint and self-reflection on the part of the  
9        Japanese Army and the civil and military officials  
10      of various Japanese organizations in Manchuria.  
11      Particularly in order to bring about racial harmony  
12      and cooperation between Japan and Manchuria, I  
13      cautioned the Japanese so that they might not abuse  
14      their authorities. The greater the situation  
15      demands the more I exerted myself to solving pending  
16      difficulties by perfect collaboration and mutual  
17      trust among various races and by united efforts on  
18      the part of Japan and Manchukuo."

19            MR. BLAKENEY: If I may have just a minute.  
20      I have been asked to put one additional question.

21            You may cross-examine.

22            I am sorry. There is one additional ques-  
23      tion -- additional direct examination.

24

UEDA

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M 1                   MR. BROOKS: This is Mr. Brooks on direct  
o 2 examination for General MINAMI.  
s 3                   DIRECT EXAMINATION (Continued)  
e 4                   BY MR. BROOKS:

W 5                   Q On page three of your affidavit, latter  
o 6 part of the page, you start the sentence: "In  
l 7 January, 1935, however, the Special Service Depart-  
f 8 ment was abolished." That was the period when  
9 General MINAMI was Commander-in-Chief of the Kwantung  
10 army; was it not?

11                   A Yes, that is so.

12                   Q Do you know whether General MINAMI had  
13 anything to do about abolishing the Special Service  
14 Department?

15                   A No, I do not know.

16                   Q Over on page five, Mr. Witness: "The  
17 policy of the OKADA Cabinet with respect to the grad-  
18 ual abolition of extraterritoriality in Manchukuo  
19 was decided upon in August 1935."

20                   Do you know what part General MINAMI, as  
21 Commander-in-Chief of the Kwantung army, played in  
22 deciding that policy?

23                   A I believe that General MINAMI, as Commander  
24 of the Kwantung army, in connection with this problem  
25 of making the decision should -- was able to contribute

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CROSS

1 towards the formulating of the policy by the central  
2 authorities in view of reports from the spot.

3 THE MONITOR: That is, he urged the re-  
4 linquishment of extraterritoriality by making  
5 reports from the field.

6 MR. BROOKS: That is all.

7 MR. COMYNS CARR: Your Honor, we do not  
8 propose to cross-examine on this affidavit generally,  
9 but there is one passage on page one about which I  
10 desire to ask -- to raise two points. Of course,  
11 in leaving the remainder of it we are not accepting  
12 it, but merely are content to rest on the evidence  
13 we have already given.

14 CROSS-EXAMINATION

15 BY MR. COMYNS CARR:

16 Q General UEDA, on page one of your affidavit,  
17 in the middle of the last paragraph you say that it  
18 was part of the policy "towards foreign nations,  
19 maintaining the principles of 'peaceful frontiers'  
20 and 'co-existence and co-prosperity'."

21 Towards the end of July, 1937, did you send  
22 a petition to Prime Minister KONOYE?

23 A I should like to ask the prosecutor -- It  
24 appears that the prosecutor believes that there is  
25 some connection between the passage that he just

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1 read and my -- and the question that the prosecutor  
2 just put. I am not quite clear on this point. I  
3 wonder if this point could be clarified for me.

4 THE PRESIDENT: It is a simple question  
5 which you must answer. Did you and Prince KONOYE  
6 at that time send that petition?

7 MR. COMYNS CARR: Did he send it to Prince  
8 KONOYE,

9 THE PRESIDENT: To Prince KONOYE.

10 THE WITNESS: I have no recollection on  
11 that point.

12 THE PRESIDENT: Then remind him of the  
13 nature of the petition.

14 MR. COMYNS CARR: Yes.

15 Q Was it in support of the movement for  
16 establishing a new administration in North China?

17 A I have no recollection.

18 Q Well then, would you look at exhibit No. 762,  
19 please; prosecution document 751-C.

20 THE PRESIDENT: Page 40 of the original  
21 document.

22 A This is a document which was sent to the  
23 War Minister, not to Prime Minister KONOYE.

24 Q I am aware of that. Was it sent by you?

25 A Yes.

1           MR. BLAKENEY: If the Tribunal please,  
2 it is suggested that these questions in this line  
3 of questioning have no possible foundation in the  
4 affidavit of the witness, the testimony in chief.

5           THE PRESIDENT: If that is so it does not  
6 appear yet and this document appears to contradict  
7 that view. This bears on the establishment of a  
8 new China which may affect boundaries. It will  
9 almost certainly affect political composition.

10          Q   Did you send that document to the War  
11 Minister?

12          A   Yes, I did.

13          Q   On the 24th of January, 1938?

14          A   Yes.

15          Q   And it is called "Outline of the Policy  
16 for the Establishment of a New China"?

17          A   Yes, this title reads that way.

18          MR. COMYNS CARR: I wish to read from the  
19 beginning of the third paragraph, page one --  
20 on the first page of the document itself. It is  
21 number three in the English copy, but it is the first  
22 page of the actual document.

23                     "General Outline of Administration  
24                     "A Guide to the Establishment of a New  
25 China.

1                 "Although the establishment of a new China  
2 lies ultimately in organizing a central government  
3 in North China, we shall respect the wishes and  
4 conventions of the native people exclusively and  
5 make them contribute to the preparation for the fast  
6 approaching war with Soviet Russia. At the same  
7 time we shall make them concentrate on post-war  
8 adjustment made necessary by the Incident."

9                 Then, the next paragraph:

10                 "General Outline For Guiding The Admin-  
11 istration Of Local Governments.

12                 "By adopting a positive policy, accompanied  
13 by the military action of the Imperial Army, we shall  
14 cause the establishment in the various provinces  
15 of self-governing regimes, and at the same time we  
16 plan to strengthen thoroughly each powerful regime  
17 already born in Mongolia-Siankiang etc. and to  
18 invigorate the Central China regime now coming  
19 into existence."

20                 And then, on the next page, paragraph number  
21 three, "Central China."

22                 Have you got that?

23                 THE WITNESS: Yes, sir.  
24  
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1           Q    "3. Central China. The unreasonable European  
2 and American influence, centered at Shanghai and the  
3 Yangtze River, shall be driven out and we will carry  
4 out our policy so as to try to establish the political  
5 and economic power of our Empire there."

6                 And on the last page, the last paragraph  
7 but one, numbered 7: "Policy Towards the National  
8 Government. We are prepared for a thoroughly pro-  
9 longed war against the National Government, and we shall  
10 speed up the various policies, while at the same time  
11 we plan the utter destruction of the National Govern-  
12 ment by taking all measures such as politic, diplomatic,  
13 economic and so on.

14                 "However, concerning the expansion of the  
15 area of military operations we carefully consider the  
16 matter."

17                 General, do you consider that document con-  
18 sistent with maintaining the principles of peaceful  
19 frontiers and co-existence and co-prosperity as you  
20 state in your affidavit?

21                 A    The facts written in this exhibit just  
22 presented and what is contained in my affidavit do  
23 not agree.

24                 Q    And does it agree with the statement in your  
25 affidavit on page 11 that, "the Kwantung Army did

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1 not wish to declare war against China and opposed to  
2 words and actions which irritated the sentiment of  
3 the Chinese people."

4 THE MONITOR: Mr. Carr, when you refer to  
5 any passage you will have to give us advance notice.  
6 We cannot find it on the affidavit there.

7 MR. COMYNS CARR: At the extreme bottom of  
8 page 11, beginning, "In view of the racial constituent  
9 of Manchukuo, the Kwantung Army did not wish to declare  
10 war against China and opposed to words and actions  
11 which irritated the sentiment of the Chinese people  
12 such as 'Punishment of outrageous China,' etc." It  
13 is in paragraph 10, bottom of page 11 of the affidavit  
14 which is the last page but one.

15 A What I have stated in my affidavit is my  
16 firm belief -- true belief.

17 Q And then do you mean that what you stated  
18 in your report to the War Minister was not your true  
19 belief?

20 A In looking over this document I saw that  
21 my name appears on it, as well as UMEZU, vice-minister,  
22 and therefore I answered that this was mine, this was  
23 sent by me, but after being questioned by the prosecutor  
24 and looking over the various items contained in this  
25 document I see that there is a great difference between

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1 what I believe in and what is written there and I am  
2 at a loss to understand where such facts came from --  
3 this document came from.

4 Q Would you look again at the covering note  
5 with the date 24th of January 1938. Doesn't that show  
6 that it came from the Kwantung Army in Manchukuo to  
7 General SUGIYAMA, War Minister, from Kenkichi UEDA,  
8 Commandant Kwantung Army, and at the bottom you will  
9 observe a note that it was perused by Vice War Minister  
10 UMEZU and two other persons? Do you say that that is  
11 not your document?

12 A As I stated before, I discovered upon looking  
13 over this document and judging by the signatures and  
14 so forth that it was my document. Upon looking over  
15 the document I discovered what I have just told you  
16 before, that I am at a loss as to where this came from.  
17 However, upon the face of the document it does show  
18 that it came from me, however, and at the same time,  
19 upon the outbreak of the China Incident, I sent to the  
20 central authorities the opinions of the Kwantung Army  
21 on two occasions. The first time was immediately  
22 after the outbreak of the Incident; I recall that the  
23 second time was in January of 1938. I, therefore,  
24 realize that because the date that I recall, that is  
25 January, 1938, is about the same time as the date

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1 what I believe in and what is written there and I am  
2 at a loss to understand where such facts came from --  
3 this document came from.

4 Q Would you look again at the covering note  
5 with the date 24th of January 1938. Doesn't that show  
6 that it came from the Kwantung Army in Manchukuo to  
7 General SUGIYAMA, War Minister, from Kenkichi UEDA,  
8 Commandant Kwantung Army, and at the bottom you will  
9 observe a note that it was perused by Vice War Minister  
10 UMEZU and two other persons? Do you say that that is  
11 not your document?

12 A As I stated before, I discovered upon looking  
13 over this document and judging by the signatures and  
14 so forth that it was my document. Upon looking over  
15 the document I discovered what I have just told you  
16 before, that I am at a loss as to where this came from.  
17 However, upon the face of the document it does show  
18 that it came from me, however, and at the same time,  
19 upon the outbreak of the China Incident, I sent to the  
20 central authorities the opinions of the Kwantung Army  
21 on two occasions. The first time was immediately  
22 after the outbreak of the Incident; I recall that the  
23 second time was in January of 1938. I, therefore,  
24 realize that because the date that I recall, that is  
25 January, 1938, is about the same time as the date

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1 mentioned on this document, leads me to believe that --  
2 rather that I recognize the document undoubtedly as  
3 mine.

4 Q And do you notice that the date you have  
5 given for the first document was the date I mentioned  
6 to you in connection with the petition to Premier  
7 KONOYE and which you said you remembered nothing about?

8 A There is no such fact.

9 Q Well, what was this first document?

10 THE PRESIDENT: We will adjourn until half  
11 past one.

12 (Whereupon, at 1200, a recess was  
13 taken.)

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1                   AFTERNOON SESSION  
23                   The Tribunal met, pursuant to recess, at  
4                   1330.5                   MARSHAL OF THE COURT: The International  
6                   Military Tribunal for the Far East is now resumed.7                   LANGUAGE ARBITER (Major Moore): Mr.  
8                   President, with the Tribunal's permission, we pre-  
9                   sent the following language corrections:10                  Exhibit 2251, record page 16,214, line 23  
11                  following:12                  This paragraph in the original does not  
13                  appear to be a part of the report of the speech  
14                  made by General MINAMI.15                  Line 24, substitute "wouldn't it be" for  
16                  "I think it is."

17                  THE PRESIDENT: Thank you.

18                  MR. Comyns Carr.  
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20                  - - -  
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1 K E N K I C H I   U E D A, called as a witness on  
2 behalf of the defense, having previously been  
3 sworn, resumed the stand and testified as  
4 follows:

5 THE WITNESS: I should like to be permitted  
6 to say a few words. My reply during the morning  
7 session was not completed. Therefore, I would like  
8 to continue my reply to this morning's session.

9 THE PRESIDENT: You may do so.  
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1                   THE WITNESS: The document that I was shown  
2 this morning was not the original document but a  
3 printed document. Therefore, I consumed consider-  
4 able time in identifying this document. Further-  
5 more, the phrases read to me this morning were only  
6 brief excerpts from the document and did not express  
7 what I had -- my true feeling.

8                   (Interpretation repeated) Furthermore, the  
9 parts that were read to me this morning were only  
10 brief excerpts -- fragments from the document as a  
11 whole and did not express my true ideas. The phrase  
12 mentioned was "the principles of peaceful frontiers  
13 and co-existence and co-prosperity." When this was  
14 read to me, as a matter of fact, I was rather -- I  
15 thought it rather strange. During the recess I  
16 called back to mind of events which had taken place  
17 ten years ago. As a result of this, I should like  
18 to express my opinion as follows:

19                   In the opinion that I submitted in January,  
20 1938, it has always been my original belief that the  
21 principles of peaceful frontiers is true. There is no  
22 doubt that that is what I really meant. Before the  
23 document that I had submitted in January -- before  
24 that time the KONOYE statement had been released.  
25 As a result of this statement, the conditions had

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1 changed; and, in order to meet this situation, the  
2 document mentioned was submitted. In other words,  
3 there was no change in the original idea. But, be-  
4 cause of the change in conditions, the methods  
5 adopted had changed.

6 So, if the Tribunal will permit me, I  
7 should like to be shown the document once more  
8 and then, thus to reply to the questions put to me  
9 by the prosecutor -- and to reply to those points  
10 which were asked of me.

11 MR. COMYNS CARR: I do not know if your  
12 Honor thinks that this is helpful or that it would  
13 be helpful for the witness to do as he suggests.  
14 I am not taking any objection, but --

15 THE PRESIDENT: If you do not object, we  
16 will let him see it again. Is it an original or a  
17 copy?

18 MR. COMYNS CARR: I do not know, your Honor.

19 THE PRESIDENT: Show him the exhibit once  
20 more.

21 (Whereupon, a paper was handed to  
22 the witness.)

23 THE WITNESS: In the first place, the title  
24 of this document, "The Outline of the Policy for the  
25 Establishment of the New China," submitted by the

UEDA

CROSS

1 Kwantung Army, explains the position of the Kwantung  
2 Army.

3 (Interpretation repeated) In the first  
4 place, according to the title of this document, in  
5 accordance with the new conditions, the Kwantung  
6 Army will especially, in view of its position, send  
7 a separate copy with respect to the establishment of  
8 a new China. In other words, because of the -- in  
9 view of the changed conditions following the announce-  
10 ment of the publication of the KONOYE statement, a  
11 new plan was submitted.

12 In this opinion which was submitted the con-  
13 tents of it, briefly, is that the Kwantung Army, as  
14 before, hoped for the stabilization of conditions in  
15 the border districts, that is, the border districts  
16 with China in view of its principle of peaceful  
17 frontiers and co-prosperity. However, as a result  
18 of the KONOYE statement, it became the policy that  
19 the Chiang Kai-shek Government would not be recog-  
20 nized and that a new regime would be set up. So  
21 long as the new regime was to be established, this  
22 document was to explain what kind of regime the  
23 Kwantung Army desired.

25 THE PRESIDENT: There is no repudiation of  
the document but an explanation, an attempted justi-

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1 fication.

2 THE WITNESS: Then I shall state briefly  
3 on the various individual items contained therein.

4 THE PRESIDENT: No. We do not want that.

5 BY MR. COMYNS CARR (Continued):

6 Q General UEDA, I now want you to tell me a  
7 little more about the earlier document which you  
8 say you sent immediately after the outbreak of the  
9 China Incident. To whom did you send it?

10 A Although I am not able to understand that  
11 question very clearly, does the prosecutor mean the  
12 document which was sent by the Kwantung Army to the  
13 central authorities just after the outbreak of the  
14 China Incident?

15 Q I am asking you about the document you men-  
16 tioned immediately before the adjournment which you  
17 said you sent just after the outbreak of the China  
18 Incident.

19 A The document which was sent by me as the  
20 commander of the Kwantung Army just prior to the  
21 China Incident is as follows.

22 Q Wait a minute. I asked you, to whom did  
23 you send it?

24 A It was sent to the minister.

25 Q Which minister?

UEDA

CROSS

1           A   The War Minister.

2           Q   And was it about the establishment of a  
3         new administration in North China?

4           A   No, that is not so.

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1           Q     "What was it about?  
2           A     It was primarily, in view of the existing  
3     situation in Manchukuo, that the Incident be settled  
4     as soon as possible. As the Manchukuan race -- na-  
5     tion is a complex nation consisting of several  
6     races, I recommended not to excite the Chinese  
7     people by using such words as "against the Chinese  
8     masses" or "the Chinese race." Therefore it said --  
9     I asked in that document to state that the words --  
10    use the words such as "Therefore we would deal with  
11    the Nanking Government" or "We would deal or nego-  
12    tiate" --

(Interpretation repeated.)

The third point was that I wanted to have it made clear that therefore the Japanese Government would deal with the Nanking Government only, which was treading an erroneous path as a result of its policy of admitting communism.

Q Now, did you send at that time  
any document to anybody in Tokyo concerning a new  
administration in North China?

23 A I don't recall. I have no recollection.

24 Q Did you send any document which was signed  
25 by General MINAMI, your predecessor, as well as by  
yourself?

UEDA

CROSS

1 A No.

2 Q Now, will you look at exhibit 212, prose-  
3 cution document No. 724-B and C?

4 A This is a document which I sent as ambas-  
5 sador. I did not send the document as Commander-in-  
6 chief of the Kwantung Army.

7 Q And you sent it on the 8th of May, 1936,  
8 did you not? Or it was received on that day, was  
9 it not?

10 THE PRESIDENT: Sent on the afternoon of  
11 the 7th of May.

12 MR. COMYNNS CARR: Yes.

13 Q Now, does it describe, according to top  
14 secret military unofficial reports, a conference  
15 about Inner Mongolian policy?

16 A This is a document which I sent to the  
17 Minister of Foreign Affairs in my capacity as am-  
18 bassador. It does not deal with North China but  
19 with regard to Inner Mongolia -- Mongolia.

20 Q Wasn't the answer to my question "Yes"?

21 A I thought that your question was whether  
22 this document had to do with North China.

23 Q I didn't mention North China in the ques-  
24 tion at all.

Now, wasn't Inner Mongolia at this time

UEDA

CROSS

1 part of the territory of China?

2 A It was our interpretation that China east  
3 of the West Wall was North China, and at that time  
4 Mongolia was referred to as Mongolia or -- as Mon-  
5 golia.

6 Q Now will you answer the question? Wasn't  
7 it part of the territory of China?

8 A Yes.

9 Q I am going to read from the words at the  
10 end of the first paragraph, "Chief matters adopted":

11 "Chief matters adopted at the Conference  
12 were reported as follows:

13 "1. The plan to found the Mongolian State  
14 by amalgamating Mongolia and both Inner and Outer  
15 Tsinghai (excluding Ssumeng, which belongs to Man-  
16 chukuo).

17 "2. The plan to adopt a monarchy (But a  
18 Committee system will be adopted for the time being).

19 "3. The plan to found a Mongolian Congress.

20 "4. The plan to organize a military govern-  
21 ment.

22 "5. The plan to conclude a mutual assis-  
23 tance agreement with Manchukuo.

24 "6. The plan to make Yun Wang, President,  
25 So Wang and Sha Wang, Vice Presidents, and Prince

UEDA

CROSS

1 Te, Head of the Military Government."

2       Wasn't this a plan to alter the frontiers  
3 of China?

4       A This is not a work which was done at the  
5 instigation of the military.

6       Q Now answer the question. Wasn't it a plan  
7 to alter the frontiers of China?

8       A I had heard that Prince Te had expressed  
9 a desire to become independent and had been active  
10 in trying to bring such a movement about. In other  
11 words, it was Prince Te's plan.

12      Q Now look at the last paragraph of this  
13 telegram of yours. I will read the last paragraph:

14            ""We must pay due regard to how international  
15 relations will be affected by the conclusion of the  
16 said agreement, but the military policy, as you  
17 know, has been carried on with such absolute secrecy  
18 that there seemed to be no newspaper which had an  
19 article hitting the mark about the State-Founding  
20 Conference except the North China Daily News in  
21 North China, which gave a very brief account in  
22 its issue of April 22 and the Shanghai Jiji in  
23 Shanghai area, which gave a very vague account in  
24 its issue of April 30th."

25           Pausing there -- Wasn't it a military policy?

UEDA

CROSS

1 "asn't it a military policy, as you said there?  
2 A It is not a plan or policy of the military.  
3 Q Then, why did you say it was?  
4 A I haven't said it was the policy of the  
5 military. I said it was a policy which was ad-  
6 vocated by Prince Te.

Whalen &amp; Duda

UEDA

CROSS

Q In your telegram I mean, why did you say  
1 it was a military policy?

A I cannot understand the present question.

Q The words have just been read to you: "The  
4 military policy has been carried on with such absolute  
5 secrecy."

A The Menchiang area or district is an area  
7 which borders on Manchukuo. Therefore, in view of  
8 the fact that Prince Teh was a very ambitious person  
9 and he was pulling strings to bring his policy about,  
10 and in view of the fact that the district was neigh-  
11 boring upon Manchukuo, in order to make these facts  
12 clear we had been taking various measures.

14 THE MONITOR: A slight correction: We had  
15 been hearing rumors to the effect that Prince Teh,  
16 being an ambitious man, were plotting something -- for  
17 something, and this we thought would have a great  
18 effect on Manchukuo, this area being adjacent to Man-  
19 chukuo. We had taken steps so that we can get suffi-  
20 cient information with which to judge the situation  
21 which was prevailing there at that time.

22 Q Now answer the question. If, as you now swear,  
23 this was not a military policy, why did you in your  
24 telegram say that it was a military policy?

A This is not a policy which was positively

UEDA

CROSS

1 undertaken by the military.

2 Q Well, how was it undertaken by them, then?

3 A I repeat, the military did not advocate any  
4 movements to this effect. It was not planning such a  
5 move.

6 Q Why was it carried on with absolute secrecy,  
7 as you say in your telegram?

8 A The other side was observing a policy of strict  
9 secrecy. Therefore, we also adopted this policy.

10 Q Now listen to the last sentence of your  
11 telegram: "The army, however, intends to go so far  
12 as to recognize the independence of Inner Mongolia,  
13 which I hope you will bear in mind."

14 A I should like you, Mr. Prosecutor, to look  
15 at the fact. The military did not at any time accord  
16 recognition to anything such as the independence of  
17 Inner Mongolia.

18 Q You were the commander-in-chief of the army,  
19 weren't you?

20 A Yes, I was.

21 Q As well as the ambassador?

22 A Yes.

23 Q And here you are, in this telegram in your  
24 capacity of ambassador, as you carefully explained,  
25 telling the Foreign Minister what you intended to do

UEDA

CROSS

1           in your capacity of commander-in-chief of the army,  
2           weren't you?

3           A    If you compare this telegram with what had  
4           actually happened, you would understand that I rather  
5           assumed the position of calming down or quelling the  
6           activities of Prince Teh.

7           Q    Now, in paragraph 7 of your affidavit you  
8           refer to the Concordia Society of Manchukuo and the  
9           commander-in-chief of the Kwantung Army.

10          May the witness look at exhibit 731, please.

11          (Whereupon, a document was handed  
12           to the witness.)

13          Is that the book published by the Concordia  
14           Society on the occasion of its ten-year jubilee?

15          A    This is the first time I have seen this book.

16          Q    Would you turn to page 177, where it is  
17           describing what happened in 1937. Did you use the  
18           Concordia Society as a means of propaganda amongst  
19           the Manchuria people in favor of the action taken by  
20           Japan after the outbreak of the incident in July?

21          A    No, that is not so.

22          Q    Is it true, as stated in their book at the  
23           page I have referred you to, that all provincial and  
24           district headquarters of the Concordia Society  
25           conducted organizational meetings at which were

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CROSS

1 explained the reasons for the outbreak of the Chinese  
2 Incident?

3 A I do not remember that any such activities  
4 took place.

5 THE PRESIDENT: Major Blakeney.

6 MR. BLAKENEY: May I inquire whether this  
7 part of exhibit 731 is already in evidence?

8 MR. COMYNS CARR: No.

9 MR. BLAKENEY: The original being in the  
10 Russian language only, we should like to request that  
11 translations be provided.

12 THE PRESIDENT: There is a copy of the English  
13 version with the exhibit.

14 We direct the English copy be made available  
15 to you for further copies.

16 MR. COMYNS CARR: I understand a copy has  
17 been given to the defense, to Mr. Brooks.

18 MR. BLAKENEY: We have been handed an English  
19 document but we have no Japanese copy and we have no  
20 certificate by a translator on this English document  
21 which was presented to us.

22 I should like to point out that apparently the  
23 witness has in his hands the Russian text.

24 MR. COMYNS CARR: Your Honor, I was under  
25 the impression the text was in Japanese. I did not

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1 know that it was in Russian. As my friend here says,  
2 I agree it is not much help to him.

3 Your Honor, I think I had better just put my  
4 questions and then we will tender the additional  
5 extracts at a later date. I will base my questions  
6 on the translation I have.

7 THE PRESIDENT: Can you read Russian, Witness?

8 THE WITNESS: I cannot read it at all.

9 Q Then is it true that in connection with the  
10 commencement of Chinese events the Concordia Society  
11 headed the movement for collecting donations in the  
12 country for building aircraft for military purposes?

13 A Do you mean within Manchukuo?

14 Q Yes.

15 A I do not remember. I do not recall.

16 Q You were still in command of the Kwantung  
17 Army at the time of the Nomonghan Incident, weren't you?

18 A Yes.

19 Q Did the Concordia Society play an important  
20 part in that matter?

21 A I do not believe that it played such a large  
22 part.  
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1           Q   Do you know that it was claimed on behalf  
2         of the society in this book that from the very com-  
3         mencement of the events the society took an active  
4         part in the defense of the state and established  
5         close relations with the government and its local  
6         organs?

7           A   It may be that it did play some part, but  
8         I do not believe that the part that it played was very  
9         influential or was very important.

10          Q   Is it true that volunteer units were organ-  
11         ized under the direction of the Concordia Society?

12          A   When do you mean?

13          Q   At the time of the Nomonghan Incident.

14          A   I have not heard of this.

15          Q   Is it true that they rendered great help in  
16         the defense of the city, in the consolidation of the  
17         military, and in assisting the fighting army?

18          A   I have not heard that it made such contribu-  
19         tions.

20          Q   What was your position with regard to the  
21         society?

22          A   I was an honorary adviser.

23          Q   Did you on the 25th of July 1936 attend a  
24         review in Hsinking to celebrate the creation of central  
25         headquarters of the Kwantung Army?

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CROSS

1           Q   Do you know that it was claimed on behalf  
2         of the society in this book that from the very com-  
3         mencement of the events the society took an active  
4         part in the defense of the state and established  
5         close relations with the government and its local  
6         organs?

7           A   It may be that it did play some part, but  
8         I do not believe that the part that it played was very  
9         influential or was very important.

10          Q   Is it true that volunteer units were organ-  
11         ized under the direction of the Concordia Society?

12          A   When do you mean?

13          Q   At the time of the Nomonghan Incident.

14          A   I have not heard of this.

15          Q   Is it true that they rendered great help in  
16         the defense of the city, in the consolidation of the  
17         military, and in assisting the fighting army?

18          A   I have not heard that it made such contribu-  
19         tions.

20          Q   What was your position with regard to the  
21         society?

22          A   I was an honorary adviser.

23          Q   Did you on the 25th of July 1936 attend a  
24         review in Hsinking to celebrate the creation of central  
25         headquarters of the Kwantung Army?

UEDA

CHROSS

1           A There is no central headquarters of the  
2           Kwantung Army.

3           Q I did not say of the Kwantung Army; I said  
4           of the Concordia Society.

5           A Yes.

6           MR. BLAKENEY: If the Tribunal please, coun-  
7           sel distinctly said of the Kwantung Army. The witness  
8           is being misled.

9           MR. COMYNS CARR: I am sorry.

10          THE PRESIDENT: That is so, Mr. Carr.

11          MR. COMYNS CARR: If so it was an error,  
12          your Honor, and my friend has no need to say that the  
13          witness is being misled.

14          Q Did you attend that review?

15          A I believe that I did attend.

16          Q With General ITAGAKI, your chief of staff?

17          A I cannot recall that definitely, or for  
18          certain.

19          Q And in the following year did you give a ban-  
20          quet to the delegates of the Concordia Society at  
21          their annual meeting?

22          A No, I did not sponsor it.

23          Q Were you there?

24          A Yes, I did attend.

25          Q Isn't the truth that you took an active part

UEDA

CROSS

1           in fostering the Concordia Society as a means of  
2           strengthening the position of Japan in Manchukuo?

3           MR. BLAKENEY: I should like to submit that  
4           we are very far from any matters touched upon in the  
5           affidavit of this witness.

6           THE PRESIDENT: The first paragraph to which  
7           his attention was directed at the outset is broad  
8           enough to catch all these things.

9           MR. COMYNS CARR: And, your Honor, the 7th  
10          paragraph deals specifically with this Concordia  
11          Society.

12          Q     What do you say, Witness?

13          A     I should like to have the question repeated  
14          again if it may be done.

15          Q     Isn't it the fact that you were using the  
16          Concordia Society as a means of strengthening the  
17          position of Japan in Manchukuo?

18          A     I believe that it was a very good method or  
19          means of enhancing the concord or harmony between the  
20          people of Manchukuo and Japan.

21          Q     And as a means of inciting the people of Man-  
22          chukuo against those of China and the U.S.S.R.?

23          A     I do not believe that.

24          MR. YAMADA: Exhibit No. 762 is a copy and  
25          not an original.

UEDA

CROSS

1           That is all, your Honor. No redirect  
2 examination.

3           THE PRESIDENT: The witness is released on  
4 the usual terms.

5           (Whereupon, the witness was excused.)

6           MR. YAMADA: I should like to reserve the  
7 right to recall this same witness during the Soviet  
8 phase.

9           THE PRESIDENT: He will be recalled if the  
10 interests of justice so require.

11          MR. YAMADA: Also, I should like to add the  
12 request that we be permitted to call the witness  
13 again in the individual phase.

14          MR. BLAKENEY: The next witness, MATSUKI,  
15 Tamotsu, will testify concerning various aspects of  
16 the internal affairs in Manchukuo.

17          I call the attention of the Language Section  
18 to the fact that they have had this commentary in  
19 Japanese for many days now, and they need not inter-  
20 rupt me to translate.

21          The witness MATSUKI will be examined on his  
22 affidavit, defense document No. 962.  
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MATSUKI

DIRECT

1           T A M O T S U   M A T S U K I , called as a witness  
2           on behalf of the defense, being first duly  
3           sworn, testified through Japanese interpreters  
4           as follows:

## 5                            DIRECT EXAMINATION

6           BY MR. BLAKENEY:

7           Q     Kindly state your name and residence.

8           A     My name is MATSUKI, Tamotsu. I reside at  
9           No. 1731 4-chome, Fukasawa-machi, Setagaya-ku, Tokyo10           MR. BLAKENEY: I ask that he be handed de-  
11           fense document No. 962.12                           (Whereupon, a document was handed to  
13                           the witness.)14           Q     Kindly examine that document and state whether  
15           it is your affidavit.

16           A     Yes, it is my affidavit.

17           Q     Given under your signature and seal?

18           A     Yes.

19           Q     Are the contents of the affidavit true and  
20           correct?

21           A     Yes.

22           MR. BLAKENEY: I offer in evidence the affi-  
23           davit, defense document No. 962.

24           THE PRESIDENT: Admitted on the usual terms.

25           CLERK OF THE COURT: Defense document No. 962

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1 will receive exhibit No. 2439.

2 (Whereupon, the document above re-  
3 ferred to was marked defense exhibit No. 2439,  
4 and received in evidence.)

5 THE PRESIDENT: We will recess for fifteen  
6 minutes.

7 (Whereupon, at 1445, a recess was  
8 taken until 1500, after which the proceedings  
9 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: I may say that in reading the  
5 affidavit of MATSUKI, Tamotsu, I propose to omit some  
6 parts, confining the reading to the preamble and num-  
7 bered sections two through eight.

8 THE PRESIDENT: Inclusive?

9 MR. BLAKENEY: Yes. I therefore start on  
10 page 2, second paragraph:

11 "I, MATSUKI, Tamotsu, has a career as stated  
12 in the following:

13 "March 9, 1898 - Born in Tsuruoka City,  
14 Yamagata Prefecture, Japan.

15 "March, 1922 - Graduated from Law School,  
16 Tokyo Imperial University.

17 "May, 1922 - Employed by South Manchurian  
18 Railway Company.

19 "June, 1932 - Councillor, Legislative Bureau,  
20 Manchoukuo.

21 "April, 1935 - Chief, Secretariat Section,  
22 General Affairs Board, Manchoukuo.

23 "June, 1937 - Chief Legislative Section,  
24 General Affairs Board, Manchoukuo.

25 "March, 1938 - Director, Secretariat Bureau,

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1 Manchoukuoan Privy Council.

2 "May, 1940 - Deputy Chief, General Affairs  
3 Board, Manchoukuo.

4 "June, 1943 - President, Manchoukuoan Audit  
5 Bureau.

6 "October, 1944 - President, Tatung Academic  
7 Institute, Manchoukuo.

8 "As the above record suggests I was chiefly  
9 concerned with legislative affairs in Manchoukuo.  
10 Accordingly my statement will be made on the funda-  
11 mental laws of the land and matters related thereto."

12 I now pass to the top of page 5:

13 "2. The Status of the Emperor.

14 "Next I will state about the status of the  
15 Emperor. As was prescribed in the Constitution,  
16 Manchoukuo was not an autocratic state, but the prime  
17 minister, assisting the Emperor, was made responsible  
18 for all of the state affairs. The prerogative power  
19 of the Emperor could not be wielded in his own arbi-  
20 trary decision. Before any important matters of  
21 state were promulgated the Privy Council was to be  
22 consulted by the Emperor, who upon the advice of the  
23 privy council was to give final approval. And in the  
24 promulgation the counter-signatures by the prime minister  
25 and the other responsible ministers were also made

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1 necessary. To explain this procedure in practice,  
2 the prime minister was granted an interview to report  
3 to the Emperor in detail on matters discussed in the  
4 State Council meeting, as well as other state affairs,  
5 on the day after the weekly meeting of the State  
6 Council. When the matters to be discussed at the  
7 State Council meeting had special importance this  
8 was usually reported to the Emperor beforehand to  
9 ask his opinion.

10 "As for the meeting of the Privy Council,  
11 the Emperor attended it in person whenever it dis-  
12 cussed important matters such as civil laws, penal  
13 codes, annual budgets, civil service ordinances,  
14 armed service ordinances, etc. When the Privy Council  
15 dealt with merely ordinary affairs the Emperor's  
16 presence was not asked, but instead the President of  
17 the Council was received before the throne once a  
18 week to make a detailed report to the Emperor on the  
19 matters discussed among the councillors.

20 "As appears from the above, state affairs  
21 were administered by the government in close contact  
22 with the Emperor. But the Emperor, not entirely free  
23 from the old tradition of the autocratic days of the  
24 Chinese dynasty, and also unaccustomed to the procedures  
25 of a modern constitutional monarchy, showed his strong

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1 desire to intervene in the administrative measures  
2 of the government. At times he went so far as to  
3 intrude upon governmental affairs without awaiting  
4 the advice of the responsible organs, thus causing  
5 great embarrassment to the government authorities,  
6 who experienced a great difficulty in settling the  
7 confusion resulting from such intrusion. For example,  
8 on 2 May 1936, at a banquet commemorating his first  
9 visit to Japan of just a year earlier, he surprised  
10 the government officials by a proposal to build a  
11 monument symbolizing his favorite motto 'One Virtue  
12 and One Soul.' One more example is to be mentioned  
13 in this connection. Each year as a rule, either late  
14 in January or early in February the provincial govern-  
15 ors' conference was held at the conference chamber  
16 of the State Council Building in Ch'ang-ch'un, lasting  
17 several days. On the occasion of these governors'  
18 conferences held in 1942 and 1943, the prime minister  
19 was suddenly called to the palace in the midst of the  
20 conferences where he was sitting, and was given Imper-  
21 ial messages consisting of several items of his Majesty's  
22 instruction by the Emperor in person to be transmitted  
23 to the governors.

24 "According to the Manchoukuoan Constitution,  
25 the appointment and removal of state officials, both

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1 civil and military, was a part of the Imperial pre-  
2 rogative, but it was the prime minister's responsi-  
3 bility to advise the Emperor in such matters. There-  
4 fore neither the throne nor the government could appoint  
5 or remove state officials without the consent of the  
6 other. Such procedure is only natural in a consti-  
7 tutional monarchy. In Manchoukuo, when the matter  
8 was concerned with important personnel, the prime  
9 minister asked the Emperor's opinion before a formal  
10 request was presented; therefore the Emperor was  
11 given an opportunity to express his opinion, if any,  
12 beforehand.

13 "3. The Status of the Prime Minister.

14 "In Manchoukuo the prime minister was the  
15 only state minister who was responsible to the Emperor.  
16 He was, 'under the Emperor, to deal with important  
17 affairs of state administration, directing and super-  
18 vising the other ministers who head the various admin-  
19 istrative departments.' This powerful authority of  
20 the prime minister over the other ministers was  
21 necessitated in view of the peculiar condition of  
22 Manchoukuo, especially in its embryonic stage. But,  
23 however authoritatively stipulated in laws and statutes,  
24 the controlling power of the prime minister might be-  
25 come reduced to a mere scrap of paper if he could not

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1 hold the key points of the administrative system in  
2 his grip. Accordingly the authority to request the  
3 Emperor to appoint and remove state officials, the  
4 power to examine state budgets and legislation, etc.,  
5 were placed directly in the hands of the prime  
6 minister. For the purpose of executing these powers  
7 and authorities there was established within the  
8 State Council the General Affairs Board, which was  
9 to be placed under the immediate control of the prime  
10 minister. In view of the reality that the prime  
11 minister, who was made responsible for all of the  
12 affairs of the state, could not devote himself solely  
13 to the detailed business of the General Affairs Board,  
14 a special official was appointed to head the Board,  
15 assisting the prime minister as well as superintending  
16 the board's business.

17 "Though the chief of the General Affairs  
18 Board was appointed from among Japanese from the  
19 first, he was, in no sense, either an official of the  
20 Japanese Kwantung Army nor subject to the direction  
21 of the army. Although the Kwantung Army did in fact  
22 make some demands either upon the prime minister or  
23 upon the chief of the General Affairs Board in connec-  
24 tion with defense measures on the basis of the Manchou-  
25 kuoan-Japanese Defense Alliance, these were, after all,

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1 nothing but demands in true sense of the word, and  
2 never took the form of directives.

3 "4. The Powers of the Chiefs (Ministers)  
4 and Vice-Chiefs of the Various Executive Departments.

5 "The duty of the chiefs (ministers) of the  
6 various executive departments was to 'deal, under the  
7 direction and supervision of the prime minister, with  
8 the affairs which are placed under their respective  
9 charge,' and that of vice-chiefs was to assist their  
10 respective chiefs.

11 "The department chiefs were appointed from  
12 among the natives (Chinese). As for the deputy chiefs,  
13 only three departments, i.e., the War, Home, and Finance  
14 Offices, were furnished with the officials of this  
15 level at the beginning of the national foundation.  
16 And they, too, were appointed from among the natives  
17 in those days. Later, in view of an ever-increasing  
18 complication of the administrative affairs, a Japanese  
19 for the first time was instituted as the vice-chief of  
20 the Foreign Office in June, 1932. Around 1936 and  
21 afterward, all the other departments became provided  
22 with deputy chiefs appointed from among Japanese.

23 "Next I wish to clarify the relation between  
24 the department heads and their deputy chiefs through  
25 explaining some details in which administrative affairs

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were actually handled. The administrative duties pertaining to the various departments and their subdivisions were prescribed in the provisions of the government organizations and of the respective departmental organizational rules. All of the administrative plans were first drafted, as a rule, in offices of the division level, the assignment of each draft being determined by the above-mentioned organizational provisions. The drafted plan was then submitted step by step to the bureau director, the vice-chief, and the minister for their examination and approval. In the course of drafting and examining the plan, all related divisions, bureaus and departments were consulted in the form of conferences or otherwise. When agreed upon by all related offices, the plan was explained by his deputy chief to the minister of the department where the plan was originated. The department minister in his turn gave approval, if he had no objection; and in the case of a departmental ordinance, the plan so approved was announced without further procedure at a higher level. In the case of a law or Imperial ordinance, the plan as approved by the department head chiefly responsible was forwarded to the Legislative Section of the General Affairs Board for its examination. If a budgetary question was

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1 involved, the accounts Section of the Board also  
2 had to be referred to. If no objection was raised  
3 by these sections, the chief of the General Affairs  
4 Board submitted the plan to the departmental vice-  
5 chiefs' conference to seek their opinion. When passed  
6 by this conference it was then presented for examina-  
7 tion to the State Council meeting, to seek the opin-  
8 ions of the ministers; when consent was given by  
9 this Council meeting the plan was submitted to the  
10 Privy Council for deliberation. If it was favorably  
11 reported by the Privy Council the final approval of  
12 the Emperor was granted for its promulgation.

13 "Such being the case it was impossible that  
14 any important affair of state was decided at the level  
15 of vice-chiefs, with the ministerial level being kept  
16 in the dark. It was necessary for the Japanese vice-  
17 chiefs, who were expert in administrative technique,  
18 to assist those native ministers such as: Chang Ching-  
19 hui, first president of the Privy Council and later  
20 Prime Minister; Tsang Shi-i, Home Minister; and Hsi  
21 Hsia, Finance Minister, who, though they had occupied  
22 ministerial position since the foundation of the state  
23 and were politically influential all over Manchuria,  
24 were in reality unaccustomed to modern administration.

25 But even these dignitaries became gradually familiarized

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DIRECT

1 with modern governmental business so much that they  
2 were finally seen expressing their opinions with  
3 confidence and in positive manner.

4 "5. The Meetings of the State Council, of  
5 the Departmental Vice-Chiefs, and of the Privy Council.

6 "The meeting of the State Council, as stip-  
7 ulated in the State Council Organization, was the  
8 meeting legally established for the conduct of admin-  
9 istrative business; it had as members the heads of  
10 the administrative departments and of the General  
11 Affairs Board, with the prime minister as the presiding  
12 officer. The subjects to be discussed in this meeting  
13 were all enumerated in the provisions of the State  
14 Council Organization and included all important matters  
15 of state such as laws, Imperial Ordinances, budgets,  
16 treaties, appointments and removals of the Kannin rank  
17 officials (Manchoukuoan equivalent of the Japanese  
18 Chokunin officials), etc. Being a councillor of the  
19 Legislative Bureau at an early stage of the national  
20 foundation, I was occasionally called into this meeting  
21 to give explanations of the bills, laws, etc., and  
22 further opportunities were given me later to attend  
23 this meeting because I was appointed ex-officio secre-  
24 tary of the Council as the chief of the Secretariat  
25 Section of the General Affairs Board from 1935, and

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1 then as the General Affairs Board vice-chief from  
2 1940 to 1943. So far as I know the debates and dis-  
3 cussions at the meeting were very active and brisk.  
4 As against the businesslikeness of the discussions  
5 at the vice-chiefs' meeting, the nature of the dis-  
6 cussions at this meeting was chiefly political. And  
7 if a draft plan which had been passed in the vice-  
8 chiefs' meeting was voted down or revised in the  
9 State Council meeting, it was notified to the next  
10 following meeting of the vice-chiefs.

11 The vice-chiefs' meeting lacked legislative  
12 basis, and no mention of it was made in the provisions  
13 of the government organization. In the early days  
14 of the national foundation the more prominent officials  
15 of Japanese origin held informal conferences from time  
16 to time in order to insure liaison on governmental  
17 affairs with each other. For about half a year this  
18 practice continued without interruption until it  
19 became a well-established customary meeting. After that  
20 it was held regularly once every week to discuss such  
21 important problems as were to be submitted to the  
22 following State Council meeting. At first it had no  
23 regular or systematic membership, but by and by it  
24 became established that the chief of the General  
25 Affairs Board was to take the chair with the vice-chiefs

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1 of the General Affairs Board and of the various admin-  
2 istrative departments, as well as the heads of the  
3 sections of the General Affairs Board, constituting  
4 the regular membership. Other officials were also  
5 called in whenever their explanations were required  
6 on questions on the conference agenda. Accordingly  
7 native officials as well as Japanese were there, and  
8 all attendants regardless of the difference of their  
9 races, were engaged in an active and eager debate.

10 "The Privy Council meeting was held on the  
11 basis of the Constitution and the government organi-  
12 zation in order to prepare for a report to the throne  
13 in compliance with his Majesty's consultation. Being  
14 an advisory organ, it had no power to propose revision  
15 of the government drafts laid before the Councillors  
16 for deliberation, but the debate became so earnest  
17 and serious that the government experienced consider-  
18 able hardships in having its proposals safely passed  
19 through. In order to overcome obstacles which might  
20 otherwise have appeared in the plenary sessions of  
21 the Privy Council, preliminary examining conferences  
22 were held between the Councillors and the government  
23 for smoothing out difficult points. But in some cases  
24 such as those of the Electric Power Enterprise Bill  
25 and others, there were some government plans which

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1        were ultimately pigeonholed owing to the denial of  
2        approval in the plenary session. Regarding such bills  
3        as were considered necessary of passage at any cost,  
4        the government asked the Emperor to withdraw them  
5        from consideration of the Privy Council for the moment  
6        and these plans were revised by the government and  
7        submitted again to the Emperor for further deliberation  
8        in the Privy Council. This last-mentioned circum-  
9        ambulatory process was made necessary, because it  
10      would have been contradictory of the principle of  
11      'consultation' to allow the Privy Council to revise  
12      the government proposal.

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1                 "6. The Nature of Officials Appointed  
2 from among Japanese.

3                 "Manchoukuo was a state which was founded  
4 on the principle of co-existence and cooperation of  
5 the five races, i. e., Chinese, Manchus, Mongolians,  
6 Koreans and Japanese. There the Japanese were no  
7 less a full-fledged national element than the  
8 native Manchus. Though no legislation on the matter  
9 of nationality had as yet been completed the afore-  
10 mentioned principle was made clear in the Declara-  
11 tion of the National Foundation. Furthermore, in  
12 1940 the Statute of the Citizenship was enacted to  
13 define the citizenship of the Manchoukuoan subject.  
14 According to this statute those who migrated into  
15 Manchoukuo, not as mere travelers but for the  
16 purpose of setting up residence, were to be regis-  
17 tered as Manchoukuoan subjects regardless of whence  
18 they had come. And these five races were equally  
19 eligible for government office, subject only to  
20 a special examination stipulated in the Civil  
21 Service Ordinance. In reality, however, if the  
22 examination result had been made the sole standard  
23 for selection, the majority of the officials would  
24 have been chosen from among Japanese, thus up-  
25 setting the desired ratio between Japanese officials

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1 and those of the other races. Therefore, both  
2 the maximum number and the posts to be permitted  
3 to the Japanese were limited, moreover a specially  
4 rigid screening was introduced for the Japanese  
5 candidates in the examination.

6 "Many posts of the central government  
7 which were much concerned with planning were  
8 apportioned to Japanese officials, since few  
9 native officials had been sufficiently experienced  
10 or trained in such duties. Inversely the posts in  
11 local governments were filled mostly by native  
12 officials. The native official stationed at the  
13 central government appeared rather timid in the  
14 execution of their duties, for the following reasons:  
15 in the first place, they lacked knowledge and ex-  
16 perience in modern administrative service, espe-  
17 cially in the field of specialized technique, in  
18 the second place, the new officialdom composed of  
19 these young recruits was still in its infancy; and  
20 thirdly, their traditional nature, which had long  
21 accustomed them to the temperament of safety first  
22 and shirking of responsibility, still held grip on  
23 them.

24 "But as they acquired experience, the  
25 condition altered gradually; they became

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1       increasingly active and positive in fulfilling  
2       their duties. This was especially so in the case  
3       of young and intelligent officials, whose number  
4       was on the increase. Above all else, in the  
5       field of internal civil administration they showed  
6       a strong interest in drafting plans by themselves  
7       as well as in putting them into practice confi-  
8       dently. Hoping to realize a more eager partici-  
9       pation by the native officials in the activity of  
10      the central offices, the government authorities  
11      stroved to train young and well qualified officials  
12      from among natives. For this purpose, the Chien  
13      Kuo Ta Hsiueh (National Foundation University),  
14      the Fa Cheng Ta Hsiueh (Law and Political Uni-  
15      versity), etc., were established to educate native  
16      youths. And for re-educating young officials the  
17      Tatung Hsiueh Yuan (Tatung Academic Institute)  
18      was established.

19             "As for the local government, the  
20      majority of the posts were occupied by native  
21      officials; posts for the Japanese were limited to  
22      the field of planning or to those fields for which  
23      no suitable candidates could be obtained from  
24      among natives, e. g., fields for specialists.  
25      Particularly, the positions in the administrative

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1 field which had direct contact with the populace  
2 were occupied almost entirely by officials of  
3 native birth. At the same time, however, effort  
4 was made to educate specialists from among natives  
5 through establishing colleges for such sciences  
6 as agriculture, forestry, mining, engineering,  
7 medicine and veterinary medicine.

8 "As a state racially complex, Manchoukuo  
9 demanded much effort to secure harmony among the  
10 officials of the various races. That attempt was  
11 not at first very successful, but by and by improve-  
12 ment became apparent, thanks to the enthusiasm of  
13 all concerned for the realization of an idealistic  
14 state as well as to the effort made by them to  
15 understand each other's languages and custom as  
16 early as possible. The establishment of educa-  
17 tional institutions for the rearing of government  
18 officials was very contributory to this end. In  
19 these institutions students from all races sat,  
20 dined, and slept harmoniously in the same class-  
21 rooms, dining rooms, and bedrooms. The seed sown  
22 in those days grew into a plant which bore fruits  
23 of friendship among young officials after they  
24 were graduated from these schools. Thus a close  
25 cooperation was established among these officials

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despite their racial differences. In the long  
thirteen years of my official career I had many  
superiors, equals, and subordinates whose race  
was different from mine; though I kept secret  
nothing from them and adopted no discriminating  
attitude toward them on the ground of racial  
prejudice, no difficulties or failure was ever  
caused by such open-mindedness on my part. Once  
I heard Economic Minister Juan Chen-tse speaking  
to the effect that all government officials of  
Manchoukuo should be called by the one unified  
term, 'Manchoukuoan,' instead of being called by  
such discriminating terms as 'Manchus, Mongolians,  
Japanese,' etc. This kind of sentiment became  
generally prevalent. During the one year of hard-  
ship immediately following the termination of  
hostilities, hearty mutual assistance was main-  
tained intact throughout and among the old col-  
leagues and friends, Japanese and native Chinese.  
When the Japanese were going to be repatriated  
from Manchuria the long-standing friendship between  
the Japanese and the natives was recalled gratefully  
to each other, mementoes ~~were~~ exchanged, and in  
short they parted regretfully and sympathetically  
but leaving no grievance. This was not peculiar to

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1 my case alone. The friendly relations built up  
2 between the natives and the Japanese who spent  
3 long years in Manchuria were all alike.

4 "7. The Pay of the High Officials.

5 "The salaries of the high officials were  
6 fixed by the Imperial Ordinance concerning salary  
7 as of around 1938 (the fifth year of Kang Te),  
8 they were, for example, as follows:

9 "Prime Minister . . . . ¥1,800 monthly.

10 "President of Privy Council, ¥1,500 monthly.

11 "Privy Councilors, Ministers, and General  
12 Affairs Board Chief, ¥1,300 monthly.

13 "It was also provided that native offi-  
14 cials of Tokunin rank (Manchurian equivalent of  
15 Japanese Shinnin rank) were to be paid monthly  
16 ¥500 as a social intercourse allowance beside  
17 the above.

18 "The vice-chiefs of the administrative  
19 departments were all ranked on the Kannin level  
20 (Manchoukuoan equivalent of Japanese Chokunin)  
21 regardless of their races, and the maximum salary  
22 for this rank was fixed at ¥300 per month. In  
23 addition to this sum they were paid monthly ¥200  
24 at most as duty allowance. They were also given  
25 bonuses twice every year, the amount of each bonus

1 being determined from time to time at such a sum  
2 as two months' salary, or one and a half months.

3 "The Tokunin rank officials, whether  
4 natives or Japanese, were given year-end  
5 allowances by the Emperor instead of government  
6 bonuses. Of course the sum was greater than the  
7 total of the two bonuses yearly given to Kannin  
8 officials.

9 "Moreover, the high-ranking native offi-  
10 cials received a special allowance ranging from  
11 ¥5,000 to ¥10,000 - twice annually, on the ground  
12 that they needed much money due to their tradi-  
13 tional way of living both private and official.  
14 Nothing of the sort of this allowance was given  
15 to the Japanese.

16 "In addition to all of the above, in  
17 1935 (the 2nd year of Kang Te), each of the native  
18 high officials, then incumbent, was given National  
19 Foundation Meritorious Service Bonds in large sums  
20 ranging from ¥50,000 at the least to ¥400,000  
21 at the most. The bonds bore 5% annual interest,  
22 and the overall sum of the bonds thus given  
23 totaled ¥8,500,000. No Japanese was the beneficiary  
24 of this grant.

25 "8. The Legislative Yuan.

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"The Legislative Yuan was the government organ to assist the Emperor in the enactment of laws and budgets under the provisions of the Constitution. Its organization was relegated by the Constitution to statute. The method of organization raised, therefore, quite a difficult problem from the first days of the national foundation. After Dr. Chao Hsin-po, a legal expert, was appointed Chief of the Yuan on 9 March 1932, various discussions and consultations were had between him and the Legislative Bureau. Due to the delicate position of the Bureau, which in turn had to consult other various departments and bureaux, and had to move very cautiously, an early settlement could not be expected. The following were the chief problems which were discussed at the time by Dr. Chao and the Legislative Bureau:

"a. Manchoukuo was a state of racial complexity. Therefore all races had to be represented. But how were these representatives to be chosen?

"b. In Manchuria there had existed so-called legal bodies such as the Commercial Business Society and the Agricultural Society with tremendous influence among the populace.

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1            "c. Geographical representation was of  
2 course necessary. But with the condition of peace  
3 and order as well as the standard of civilization  
4 among the populace what they were, would the  
5 election of the representatives through general  
6 ballot be possible?

7            "In view of these difficult problems,  
8 the Imperial Ordinance concerning the Legislative  
9 Yuan Secretariat Section organization was pro-  
10 mulgated in April or May 1932. This ordinance  
11 provided that the Secretariat Section of the  
12 Legislative Yuan was to study the prospective  
13 organization of the Yuan as well as to prepare  
14 for its inauguration. Meanwhile, around 1933,  
15 a new organ called the Constitution Research  
16 Committee was officially formed, and Dr. Chao  
17 was appointed its chairmen. The then existing  
18 Constitution, hastily written in the busy days  
19 of the national foundation, was of only provisional  
20 nature, as stated in its preamble. Therefore, the  
21 primary duty of this Committee was to draft a  
22 well-established constitution. But as its  
23 supplementary duty this Committee was also assigned  
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1 the task of drafting a plan for the organization  
2 of the Legislative Yuan. Thereupon, the Secre-  
3 tariat Section of the Legislative Yuan became to  
4 assume a position something like a secretariat  
5 office of this Committee.

6 "While devoting himself under a special  
7 order of the Emperor to this important task,  
8 Dr. Chao suddenly resigned in the fall of 1934  
9 without reaching the conclusion of his task. And  
10 the function of the Legislative Yuan was delegated  
11 to the Privy Council for the time being under the  
12 provision of the old Constitution as revised,  
13 dated 1 March 1934 (this revision was made in the  
14 Supplemental Rule of the Constitution).

15 "Side by side with the above-mentioned  
16 events and progress, the Concordia Society of Man-  
17 choukuo was inaugurated on 25 July 1932 to stimu-  
18 late and promote the free expression of the  
19 people's will and to transmit and diffuse the  
20 government policies and intentions to the people.  
21 There was initiated in this Society some time in  
22 1934 or 1935 the Combined Congress which took a  
23 position something like a general assembly of the  
24 representatives of the Society members. As time  
25 went on, this Congress was gradually improved and

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1       increasingly well-shaped. In conjunction with  
2       this the composition of the Concordia Society  
3       itself was greatly enlarged and strengthened  
4       after around 1936. Hereupon, the Congress was  
5       subdivided into three classes, i. e., the Pre-  
6       fectoral Combined Congress, Province Combined  
7       Congress, and the National Combined Congress,  
8       which were to correspond in their functions to  
9       the prefectural assembly, the province legisla-  
10      ture, and the national diet respectively. These  
11      congresses were convened every year, and were  
12      making remarkable progress and improvement year  
13      by year. Contrasted to this, the work of the  
14      Legislative Yuan was left wholly behind and was  
15      still wandering around in the preparatory stage.  
16      Then arose a question regarding how to harmonize  
17      legally the Legislative Yuan and the Concordia  
18      Society. And this problem was studied and at-  
19      tacked in the Fundamental Laws Department of the  
20      Committee on the Re-examination of the Existing  
21      Laws and Ordinances. But before any conclusion  
22      was produced in this committee, the existence of  
23      Manchoukuo came to an end."

25      So far as I am aware there is no additional  
          direct examination. Cross-examine.

MATSUKI

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1 THE PRESIDENT: Brigadier Quilliam.

2 BRIGADIER QUILLIAM: If it please the  
3 Tribunal, the prosecution do not wish to cross-examine.

4 THE PRESIDENT: The witness is released on  
5 the usual terms.

6 (Whereupon, the witness was excused.)

7 THE PRESIDENT: Major Blakeney.

8 MR. BLAKENEY: We next read an except from  
9 exhibit 57, the Lytton Commission Report, page 99,  
10 the second paragraph from the bottom of the page, for  
11 the purpose of showing the over-all aims of the new  
12 Government of Manchukuo. I shall ask Mr. Williams to  
13 relieve me in the reading.

14 THE PRESIDENT: Mr. Williams.

15 MR. G. WILLIAMS: (Reading)

16 "The policy of the Self-Government Guiding  
17 Board, the chief agency in the creation of the new  
18 Government, was continued by the Advisory Bureau,  
19 which had superseded it. Military officers were not  
20 to be allowed -- "

21 It has been pointed out that the page number  
22 may not be known to the Tribunal. The page number is  
23 99, sir.

24 THE PRESIDENT: Hasn't this been read before?

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1                   MR. G. WILLIAMS: If the Tribunal please, I  
2 am informed that this section has not been read before,  
3 sir.

4                   "Military officers were not to be allowed to  
5 interfere in matters of administration. Regulations  
6 governing the qualifications for Government service  
7 are to be enacted and appointments are to be made on  
8 the basis of the ability of the candidates.

9                   "Taxation is to be reduced and placed on a  
10 legal basis, and reformed in accordance with sound  
11 principles of economics and administration. Direct  
12 taxes are to be transferred to the District and Municipal  
13 Governments, while the Central Government is to secure  
14 the income derived from indirect taxes.

15                  "The documents supplied by the Changchun  
16 authorities state that a number of taxes have already  
17 been abolished, while others have been reduced. Hopes  
18 are expressed that readjustment of Government enter-  
19 prises and Government-owned resources will increase  
20 revenue and that the eventual reduction of the military  
21 forces will lessen expenditure. However, for the time  
22 being, the financial position of the new State is  
23 unsatisfactory. Guerrilla warfare has kept military  
24 expenditure high, while, at the same time, the Govern-  
25 ment is not receiving revenues from various normal

1 sources. Expenditure for the first year is now roughly  
2 estimated at \$35,000,000, against revenue \$65,000,000,  
3 showing a deficit of \$20,000,000, which it is intended  
4 to cover by a loan from the newly established Central  
5 Bank as explained hereafter.

6 "The Government declared its intentions, as  
7 financial conditions improve, to spend as much as  
8 possible of its revenue upon education, public welfare,  
9 and development of the country, including reclamation  
10 of waste land, exploitation of mineral and forestry  
11 resources, and extension of the system of communications.  
12 It states that it will welcome foreign financial  
13 assistance in the development of the country, and that  
14 it will adhere to the principles of Equal Opportunity  
15 and of the Open Door.

16 "The Government has already begun to re-open  
17 primary and secondary schools, and it intends to train  
18 a large number of teachers who will thoroughly under-  
19 stand the spirit and policies of the new State. A  
20 new curriculum is to be adopted, new text-books com-  
21 piled, and all anti-foreign education abolished. The  
22 new educational system will aim to improve primary  
23 schools and to stress vocational education, the train-  
24 ing of the primary school-teachers, and the teaching  
25 of sound ideas as to sanitary living. The teaching

1 of English and Japanese is to be compulsory in the  
2 middle schools, and of Japanese is to be voluntary in  
3 the primary schools.

4 "The 'Manchukuo' authorities have decided that,  
5 in the domain of justice, the interference of administrative  
6 authorities should not be tolerated. The status  
7 of judicial officers is guaranteed by the law, and  
8 their salaries are to be adequate. The qualifications  
9 for judicial positions will be raised. Extra-territorial  
10 rights, for the time being, will be respected, but the  
11 Government intends to start negotiations with foreign  
12 Powers for their abolition as soon as adequate reforms  
13 in the present system shall have been effected. The  
14 police are to be properly selected, trained and paid,  
15 and completely separated from the Army, which is not  
16 to be allowed to usurp police functions.

17 "Re-organisation of the Army is planned, but,  
18 since at present it consists largely of the old  
19 Manchurian soldiery, caution is felt to be necessary  
20 in order to avoid increasing discontent and mutiny.

21 "The Central Bank of 'Manchukuo' was established  
22 on June 14th, and officially opened its doors for  
23 business on July 1st. The Bank has its head offices  
24 in Changchun, the capital of 'Manchukuo', and branches  
25 and sub-branches to the number of 170 in most of the

1 cities of Manchuria.

2 "The Bank was organised as a joint-stock company  
3 with a charter to run for thirty years. Its first  
4 officers were Chinese and Japanese bankers and financiers.  
5 It was empowered to 'regulate the circulation of the  
6 domestic currency, maintain its stability and control  
7 the financing service'. The capital of the bank was  
8 authorised at \$30,000,000 (silver) and permission was  
9 given it to issue notes against a specie reserve of  
10 at least 30%.

11 "The old provincial banks, including the  
12 Frontier Bank, were amalgamated with the new Central  
13 Bank, and their entire businesses, including affili-  
14 ated enterprises, were turned over to it. Provision  
15 was further made for liquidating the non-Manchurian  
16 branches of the old provincial banks.

17 "In addition to what it will be able to  
18 salvage from the old banks, the Central Bank has a  
19 Japanese loan reported at 20,000,000 Yen and a sub-  
20 scription to its capital of \$7,500,000 (silver) from  
21 the 'Manchukuo Government' on which to establish  
22 itself. The Bank has planned to unify all the Man-  
23 churian currencies by redeeming them for new notes  
24 at rates which have been officially prescribed as from  
25 July 1st, 1932. These new notes are based on the

1 silver dollar and are to be covered to the extent of  
2 at least 30 per cent by silver, gold, foreign currencies  
3 or deposits. Whether or not the new currency is to  
4 be convertible on demand and without limit into hard  
5 money is not made clear in official pronouncements.  
6 The old notes will be permitted to circulate for two  
7 years from the passage of the Conversion Act, but will  
8 not be valid after that time."

9 THE PRESIDENT: Major Blakeney.

10 MR. BLAKENEY: I turn now to another branch  
11 of this question. Much evidence intended to prove  
12 Japanese control of various aspects of Manchukuoan  
13 life was given by the witness Pu-Yi, whose veracity  
14 was also put in issue by the prosecution on the hand-  
15 writing question. On this point we shall therefore  
16 produce evidence, for which purpose I call as a  
17 witness TAKAMURA, Iwao, whose testimony is, for  
18 technical reasons, embodied in two affidavits, defense  
19 documents Nos. 400 and 400-A.  
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TAKAMURA

DIRECT

1 I W A O T A K A M U R A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## 5 DIRECT EXAMINATION

6 BY MR. BLAKENEY:

7 Q Will the witness state his name and residence?

8 A My name is Iwao TAKAMURA. My address is  
9 318 Ichi chome, Sendagaya, Shibuya-ku, City of Tokyo.10 Q I ask that he be handed defense documents  
11 400 and 400-A.12 (Whereupon, the said documents were handed  
13 to the witness.)14 Q (Continuing) I ask you to examine those docu-  
15 ments and state whether they are your affidavit, bear-  
16 ing your signature and seal?

17 A Yes, it is definitely mine.

18 Q Are the contents thereof true and correct?

19 A It is correct.

20 MR. BLAKENEY: Defense documents 400 and 400-A  
21 are offered in evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document No. 400  
24 will receive exhibit No. 2440, and defense document  
25 No. 400-A will receive exhibit No. 2440-A.

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1                   MR. BLAKENEY: In reading the English  
2 translations of these affidavits I shall take the  
3 liberty of correcting without special comment a few  
4 typographical errors, including supplying one entire  
5 line which was dropped and suppressing one which is  
6 repeated.

7                   May I also point out to the Tribunal that  
8 the photostats that have been just tendered are  
9 merely duplicates of original photographs already  
10 distributed to Members of the Tribunal.

11                  THE PRESIDENT: Why read more than a fraction  
12 of this affidavit? For the time being his conclusions  
13 ought to be sufficient. Then, on the whole affidavit  
14 he can be cross-examined. Unless the hieroglyphics can  
15 be reproduced in the transcript most of the text of  
16 the affidavit will be unintelligible.

17                  MR. BLAKENEY: I shall be very glad to confine  
18 the reading to excerpts, as the President suggests,  
19 it being distinctly understood however that we do  
20 rely upon the entire document, including the reasons  
21 thereof.

22                  THE PRESIDENT: The whole of each document  
23 is in evidence, including the annexes.

24                  MR. BLAKENEY: Commencing then with exhibit  
25 2440, I shall read page two, the witness' qualifications.

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1        "I am a resident of Tokyo, and my age is  
2        38.

3        "I have been attached to the Criminal  
4        Identification Section of the Penal Affairs Depart-  
5        ment of the Tokyo Metropolitan Police Board since  
6        1929, where my duties are the examination of hand-  
7        writing and seals. During the said period, I  
8        qualified myself in the subject of identification  
9        of handwriting through almost exhaustive studies  
10       of Chinese and Japanese books on calligraphy, and  
11       examination and comparison of innumerable actual  
12       samples of Chinese and Japanese writing.

13       "In connection with my official duties in  
14       the Metropolitan Police Board over the past seventeen  
15       years I have testified in the Japanese courts as  
16       an expert on calligraphy concerning some thirty  
17       trial cases; I have worked on some 1,500-1,600  
18       investigation cases for the Metropolitan Police  
19       Board, including 110 for the Ministry of Education,  
20       Home Ministry and other government departments and  
21       private interests; and in the course of this work  
22       have examined an estimated 200,000 separate specimens  
23       of Chinese and Japanese handwriting, using the  
24       customary methods of visual and microscopic and  
25       other scientific examinations. I am the author of

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1 a book, Shorui Kanteiho (Methods of Judging Docu-  
2 ments) on the subject, which was printed in 1943  
3 for circulation among law-enforcement agencies,  
4 although not published. This work was the first  
5 of its kind to appear in Japan, and as the only  
6 such work yet in existence may be considered the  
7 standard work on the subject."

8 From there I pass to page three, Section  
9 I, Introductory, which states the scope of the  
10 witness' investigation.

11 "Introductory

12 "Having been requested by the Defense  
13 Section of the International Military Tribunal for  
14 the Far East, on 29 August 1946, to give my expert  
15 opinion on certain specimens of handwriting, I shall  
16 proceed to give the results of my examination of them.

17 It might be added that the examination was made at  
18 the Office of the Clerk of the Court of the Inter-  
19 national Military Tribunal for the Far East and at  
20 the Criminal Identification Section of the Penal  
21 Affairs Department of the Metropolitan Police Board.

22 "The Specimens submitted for examination  
23 were as follows:

24 "1) A letter addressed to General MINAMI,  
25 purporting to be written by Pu-Yi, and identified

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1 as Tribunal Exhibit No. 278 (hereinafter referred  
2 to as 'Exhibit 278');

3 "2) A Chinese poem on a fan, appearing in  
4 photographic reproduction inserted between pages  
5 448 and 449 of Sir Reginald Johnston's book Twilight  
6 in the Forbidden City, admittedly the calligraphy  
7 of Pu-Yi, and identified as Tribunal Exhibit No.  
8 282 (hereinafter referred to as 'Exhibit 282');

9 "3) The signatures of Pu-Yi, admittedly  
10 the calligraphy of himself, appearing in the three  
11 Manchukuoan documents identified as Tribunal Exhibit  
12 Nos. 283, 284 and 285 (hereinafter referred to as  
13 'the Signature' or 'the Signatures', as the case  
14 may be);

15 "4) An autograph document written by Pu-  
16 Yi on 29 August 1946 in the presence of myself and  
17 others, at the U.S.S.R. Embassy in Tokyo (hereinafter  
18 referred to as 'the Autograph').

19 "The question for decision was whether  
20 Exhibit 278 was written by the same person as Exhibit  
21 282, the Signatures and the Autograph, as evidenced  
22 by expert examination of the above specimens of  
23 handwriting.

24 "II

25 "Conclusion

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1        "It is my determination as a result of  
2        my examination of the three specimens of hand-  
3        writing that Exhibit 278 was written by the same person  
4        who wrote Exhibit 282, the Signatures and the  
5        Autograph, although it is recognized that the  
6        fourteen characters of the endorsement on the lower  
7        left-hand corner of Exhibit 278 were written by  
8        another hand."

9        THE PRESIDENT: Those reasons appear to  
10      be intelligible up to paragraph eight on page five.  
11      They could be read into the transcript, Mr. Blakeney.

12        MR. BLAKENEY: I will read that far for  
13      the time being.

14        "III

15        "Reasons

16        "(A) General Observations on Calligraphy  
17        "We daily experience and observe that a  
18        document written by one and the same person, on  
19        paper of the same kind and with the same brush and  
20        India ink, and according to the same style of  
21        penmanship, not only vary in their form and force  
22        of the brush, but even the same ideograph so written  
23        by him at different times presents a greatly varied  
24        appearance in force of the brush, arrangement of  
25        strokes and inclination. And in case these objective

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1 conditions are different, handwriting will be subject  
2 to an even greater variation. But especially, the  
3 mental condition of the writer at the time of writ-  
4 ing -- such subjective cases as exhilaration,  
5 despondency, enthusiasm, indifference, joy or anger,  
6 pain or pleasure, fatigue, intoxication, piety,  
7 melancholy, trickishness -- will produce a great  
8 effect on handwriting. When a writer, for instance,  
9 has deliberately altered the shape of ideographs and  
10 use of the pen, or imitated another's hand with the  
11 desire of disguising his own style or calligraphic  
12 features, it will require a good deal of circumspection  
13 on the part of an examiner to determine the truth,  
14 still more so if the writer is experienced and  
15 proficient in penmanship.

16 "In ordinary circumstances, a person's  
17 penmanship improves with the lapse of time, but  
18 physical disorders will make the pen limp and halt.  
19 The mental state of a writer at the time of writing  
20 produces, as has been said, an effect on his writ-  
21 ing. Again, if he intends to disguise his hand,  
22 he can of course write a document which will appear  
23 to a cursory observation like the handwriting of  
24 another person.

25 "To judge writings to be the production of

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1 different hands on considerations of this sort,  
2 however, is a mistake committed only by those who  
3 have little knowledge of penmanship, or whose study  
4 of the science is inadequate. No connoisseur who  
5 has studied the art of handwriting-examination  
6 scientifically, and who has had wide experience,  
7 will fall into this sort of error.

8 "Notwithstanding all outward seeming, the  
9 penmanship of every person is the crystallization  
10 of his long practice, and invariably has an in-  
11 dividuality which others will find it difficult to  
12 imitate. Change your style as you please, and you  
13 will still find in your autograph the traits,  
14 wholly or in part, of your latent individuality of  
15 penmanship unconsciously acquired by daily practice.  
16 If a handwriting is closely examined and carefully  
17 studied with these criteria in mind, it is by no  
18 means impossible for one bringing expert knowledge  
19 to bear to determine whether it is genuine, even  
20 if the writer has attempted to deceive. It is with  
21 these considerations in mind that I set to work on  
22 examination of the specimens submitted for my opinion"

23 THE PRESIDENT: It would appear that up  
24 to the end of page seven we have no heiroglyphics to  
25 take into account.

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1 MR. BLAKENEY: Then I will continue.

2 "(B) Generaly View of the Specimens

3 "I find that Exhibit 278 is a letter of  
4 181 characters written in 'Gyosho' (a free style of  
5 writing intermediate between 'kaisho', the square  
6 style, and 'soshō', running style) with a brush on  
7 yellow silky cloth lined with thin paper.

8 "Exhibit 282 is a print on art paper inserted  
9 between pages 448 and 449 of Sir Reginald Johnston's  
10 book. The calligraphy, being printed by fine half-  
11 tone photogravure, appears in white characters, on  
12 a black background in the shape of a folding fan  
13 (it is noted that the autograph writing was intaglioed  
14 on a stone, on which paper was placed and impressions  
15 taken by means of India ink).

16 "On examination of these two documents I  
17 have found that the force of the brush, the manner  
18 of use of the brush and the appearance of the ideo-  
19 graphs in them are all similar. In other words, I  
20 have noted in these documents an altogether common  
21 feature in the use of the brush, which was easy,  
22 unfettered and fluent. It is also apparent that in  
23 the writing of these documents brushes of nearly  
24 the same size were used to expend a proper quantity  
25 of ink, and that the speed of the brush was about

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the same in the two cases.

"The Autograph consists of three sheets of Oriental paper ruled in red, containing characters written mainly in the 'Kaisho' style with occasional mixture of 'gyosho' style. It is observable, from the boldness of the characters, that ink was used more freely in this document than in the others.

"As compared with Exhibit 282, which Pu-Yi recognized as his own handwriting, this Autograph appears at a glance to differ in the manner of use of the brush as well as in the appearance of the characters. But this difference may be attributed mainly to the change in style occasioned by the influence of the author's mental state at the moment. In this connection, it must be pointed out that in the course of execution of the Autograph, Pu-Yi repeatedly refused to write in the 'gyosho' style on the ground that he was incapable of doing so. When, however, he began spasmodically to mix in the 'gyosho' style, his penmanship was decidedly unnatural and clumsy. Nobody can doubt, on the other hand, that the standing of a Chinese or Manchu Emperor necessitated him to study deeply into the calligraph of all styles and that Exhibit 282 and

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1 the signatures, admitted as genuine by Pu-Yi himself,  
2 were both executed in a beautiful and masterly style  
3 of 'gyosho'. Needless to say that such a contra-  
4 diction is the result of an attempt to disguise his  
5 hand. And yet, the ink-marks clearly show that in  
6 both cases, the brush followed a similar course in  
7 writing, and the same style of penmanship prevails  
8 throughout all the specimens. The specific methods  
9 employed in the determination of their identity  
10 will be shown hereunder.

11                 "(C) Methods of Examination

12                 "To begin with, salient features of pen-  
13 manship, such as commencement of a stroke, end of a  
14 stroke, stop, brushing up, and wavering of a line,  
15 were scrupulously examined with a microscope. Then,  
16 ideographs in those documents were photographed in  
17 a magnified form, and the magnified photographs of  
18 characters were dissected into components, namely,  
19 the left-hand radical and the body, and these  
20 components were examined in comparison with the  
21 corresponding parts of the pictures of other char-  
22 acters. An ideograph in one document, likewise  
23 enlarged, was further dissected into several lines  
24 and dots, so as to compare with those of characters  
25 in the other documents. The process of this comparative

20,199

TAKAMURA

DIRECT

1 study is as follows:" --

2 THE PRESIDENT: Well, omit that until you  
3 come to page 17 and then read the summary.

4 MR. BLAKENEY: Shall I continue now, your  
5 Honor?

6 THE PRESIDENT: On page 17, the summary.

7 We will adjourn until half-past nine  
8 tomorrow morning.

9 (Whereupon, at 1600, an adjournment  
10 was taken until Friday, 18 April 1947 at 0930.)

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